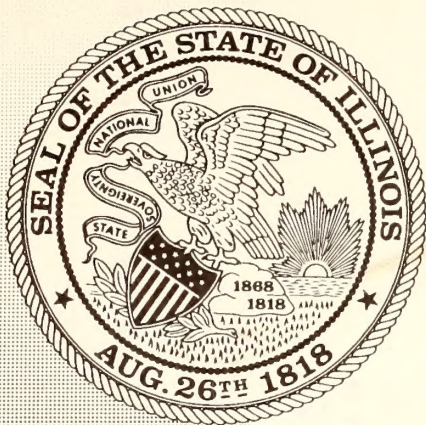


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1994

Illinois Register

Rules of Governmental Agencies

Volume 18, Issue 44— Nov. 04, 1994

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1994

| Material Rec'd after 12:00 p.m. on: | And before 12:00 p.m. on: | Will be in Issue #: | Published on: | Material Rec'd after 12:00 p.m. on: | And before 12:00 p.m. on: | Will be in Issue #: | Published on: |
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| Dec. 28, 1993 | Jan. 4, 1994 | 2 | Jan. 14, 1994 | July 5, 1994 | July 12, 1994 | 29 | July 22, 1994 |
| Jan. 4, 1994 | Jan. 11, 1994 | 3 | Jan. 21, 1994 | July 12, 1994 | July 19, 1994 | 30 | July 29, 1994 |
| Jan. 11, 1994 | Jan. 18, 1994 | 4 | Jan. 28, 1994 | July 19, 1994 | July 26, 1994 | 31 | Aug. 5, 1994 |
| Jan. 18, 1994 | Jan. 25, 1994 | 5 | Feb. 4, 1994 | July 26, 1994 | Aug. 2, 1994 | 32 | Aug. 12, 1994 |
| Jan. 25, 1994 | Feb. 1, 1994 | 6 (Mon.) | Feb. 14, 1994 | Aug. 2, 1994 | Aug. 9, 1994 | 33 | Aug. 19, 1994 |
| Feb. 1, 1994 | Feb. 8, 1994 | 7 | Feb. 18, 1994 | Aug. 9, 1994 | Aug. 16, 1994 | 34 | Aug. 26, 1994 |
| Feb. 8, 1994 | Feb. 15, 1994 | 8 | Feb. 25, 1994 | Aug. 16, 1994 | Aug. 23, 1994 | 35 | Sept. 2, 1994 |
| Feb. 15, 1994 | Feb. 22, 1994 | 9 | Mar. 4, 1994 | Aug. 23, 1994 | Aug. 30, 1994 | 36 | Sept. 9, 1994 |
| Feb. 22, 1994 | Mar. 1, 1994 | 10 | Mar. 11, 1994 | Aug. 30, 1994 | Sept. 6, 1994 | 37 | Sept. 16, 1994 |
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| Mar. 8, 1994 | Mar. 15, 1994 | 12 | Mar. 25, 1994 | Sept. 13, 1994 | Sept. 20, 1994 | 39 | Sept. 30, 1994 |
| Mar. 15, 1994 | Mar. 22, 1994 | 13 | Apr. 1, 1994 | Sept. 20, 1994 | Sept. 27, 1994 | 40 | Oct. 7, 1994 |
| Mar. 22, 1994 | Mar. 29, 1994 | 14 | Apr. 8, 1994 | Sept. 27, 1994 | Oct. 4, 1994 | 41 | Oct. 14, 1994 |
| Mar. 29, 1994 | Apr. 5, 1994 | 15 | Apr. 15, 1994 | Oct. 4, 1994 | Oct. 11, 1994 | 42 | Oct. 21, 1994 |
| Apr. 5, 1994 | Apr. 12, 1994 | 16 | Apr. 22, 1994 | Oct. 11, 1994 | Oct. 18, 1994 | 43 | Oct. 28, 1994 |
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| Apr. 19, 1994 | Apr. 26, 1994 | 18 | May 6, 1994 | Oct. 25, 1994 | Nov. 1, 1994 | 45 | Nov. 14, 1994 (Mon.) |
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| May 10, 1994 | May 17, 1994 | 21 | May 27, 1994 | Nov. 15, 1994 | Nov. 22, 1994 | 48 | Dec. 2, 1994 |
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| June 21, 1994 | June 28, 1994 | 27 | July 8, 1994 | Dec. 27, 1994 | Jan. 3, 1995 | 2 | Jan. 13, 1995 |

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF MINES AND MINERALS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The Coal Mining Act

2) Code Citation: 62 Ill. Adm. Code 140

3) Section Number: Proposed Action:
140.30 New Section

4) Statutory Authority: Implementing and authorized by Sections 2.02 and 2.12 of the Coal Mining Act [225 ILCS 705/12.01 and 2.12], and by new Section 47 of the Civil Administrative Code of Illinois, enacted by P.A. 88-0599, effective September 1, 1994 [20 ILCS 1905/47].

5) A complete description of the subject and issues involved: The State of Illinois purchases large quantities of coal each year that is used to heat state-owned buildings. A private laboratory under contract with the Department currently undertakes quality assurance testing for coal purchased under State contracts. The Department's analytical laboratory located in Benton, Illinois has the in-house technological capability to efficiently and quickly conduct all necessary coal quality tests.

New Section 47 of the Civil Administrative Code of Illinois, enacted by P.A. 88-0599, effective September 1, 1994, authorizes the Department to test the quality of coal purchased under State contracts and charge a reasonable fee for this service. New Section 140.30 outlines the testing procedures the Department will follow to ensure that the coal consumed in state-owned buildings meets the environmental and energy specifications set by State contracts. In addition, new Section 140.30 outlines the procedures to be followed by all State agencies that request the Department's testing services. Finally, new Section 140.30 establishes the fee charged by the Department to defray the costs of the coal quality testing program.

6) Will this proposed rule replace an emergency rule currently in effect?
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? This rulemaking includes an incorporation by reference, pursuant to Section 5-75 of the IAPA [5 ILCS 100/5-75].

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact on local units of government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of

DEPARTMENT OF MINES AND MINERALS

NOTICE OF PROPOSED AMENDMENTS

the publication of this notice to:

Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper. Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 45 days after the publication of this notice. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: This rulemaking does not affect small businesses.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF PROPOSED AMENDMENTS

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 140
THE COAL MINING ACT

Section

140.10 Plans to be Submitted to the Department

140.20 Requirement Concerning Removal of Vehicle Wheels, Tires, and Valve Cores

140.30 Coal Quality Testing Program

AUTHORITY: Implementing Section 2.02 and 2.12 of the Coal Mining Act [225 ILCS 705/2.02 and 2.12], and P.A. 88-0599, adopted September 1, 1994 [20 ILCS 1905/47].

SOURCE: Adopted May 13, 1975; codified at 8 Ill. Reg. 8509; emergency amendment added at 18 Ill. Reg. 15167, effective October 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. _____, effective _____.

Section 140.30 Coal Quality Testing Program

a) The Department of Mines and Minerals' (Department) analytical laboratory, located in Benton, Illinois, is authorized to test the quality of coal delivered under State coal purchase contracts.

b) The Department shall analyze samples taken from coal shipments under State contracts provided by any agency or institution of the State of Illinois, hereinafter called the delivering agency, if such samples are:

1) submitted in the 6 pound increments required for analysis, with a minimum of 6 pounds of coal per sample bag and a maximum of 42 pounds of coal per sample bag (any variation to this sampling process must follow guidelines set by ASTM Standard D-2234-89 found at pp. 270-281 in Volume 05.05 of the 1993 Book of ASTM Standards, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103);

2) identified as having been submitted by a specific delivering agency;

3) received by the Department's Benton, Illinois analytical laboratory by the 10th day of the month; and

4) collected as required by ASTM Standard D-2234-89 found at pp. 270-281 in Volume 05.05 of the 1993 Book of ASTM Standards, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

c) Upon receiving an acceptable sample bag from a delivering agency, the Department shall grind the coal to the specifications of ASTM Standard D-2013-86 found at page 245 in Volume 05.05 of the 1993 Book of ASTM Standards, published by the American Society for Testing and

DEPARTMENT OF MINES AND MINERALS

NOTICE OF PROPOSED AMENDMENTS

Materials, 1916 Race Street, Philadelphia, PA 19103, by using a hammermill crusher or equivalent device, as follows:

1) The crusher shall be completely enclosed to avoid the loss of dust or moisture.

2) The coal in each sample bag shall be mixed (ground by crusher) to form an initial composite sample as stated in ASTM Standard D-2013-86 found at page 245 in Volume 05.05 of the 1993 Book of ASTM Standards, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

3) The initial composite sample shall be reduced to 1,000 grams and divided into two (2) 500 gram samples. The Department shall then dry one of the 500 gram samples to the specifications outlined in ASTM Standard D-2013-86 found at page 247 in Volume 05.05 of the 1993 Book of ASTM Standards, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. After drying, this 500 gram sample shall then be processed in accordance with subsection (c)(4) below. The undried 500 gram sample shall be held in reserve should more than one test be required.

4) The 500 gram sample used for immediate analysis shall be placed on a spin wheel mixer for 15 minutes, then analyzed for percent of moisture, percent of ash, percent of sulphur and BTUs, in accordance with subsection (d) below.

d) The Department shall analyze the 500 gram sample using testing procedures that conform to the following specifications found in Volume 05.05 of the 1993 Book of ASTM Standards, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103:

1) ASTM Standard D-3302-91 (percent of moisture), pp. 358-364;

2) ASTM Standard D-3174-89 (percent of ash), pp. 324-326;

3) ASTM Standard D-4239-93 (percent of sulphur), pp. 392-400; and

4) ASTM Standard D-1989-92 (BTUs), pp. 237-244.

e) The results of the analysis shall be reported to the delivering agency in accordance with subsection (f) below. The Department shall retain the undried 500 gram sample for 30 days from the date the results of the analysis are sent to the delivering agency.

f) The Department shall report the results of its coal quality analysis to the delivering agency within two weeks of the Department's receipt of a coal sample acceptable for testing, and will submit a bill for the coal quality analysis performed, based upon the following schedule:

| Number of sample bags tested per month | Fee |
|--|-------|
| 1 to 2 bags | \$50 |
| 3 to 4 bags | \$65 |
| 5 to 6 bags | \$80 |
| 7 to 8 bags | \$95 |
| 9 to 10 bags | \$105 |

DEPARTMENT OF MINES AND MINERALS

NOTICE OF PROPOSED AMENDMENTS

11 to 12 bags \$120
 13 to 14 bags \$135
 15 to 16 bags \$150

\$15

g) For every 2 additional bags \$50.00 extra for each sample bag submitted by a delivering agency after the 10th day of the month.

h) The 1993 Book of ASTM Standards, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, does not include any subsequent amendments or editions.

(Source: Added at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Medical Payment

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Numbers: Proposed Action:

140.16 Amendment
 140.19 Amendment
 140.32 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13] and Public Act 88-554 [305 ILCS 5/12-4.25]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments to the Department's rules concerning provider participation in the Medical Assistance Program, are intended to implement requirements imposed by Public Act 88-554. The new requirements expand prohibitions on participation for vendors who have been terminated or barred from the Program.

Section 140.16, which addresses the termination or suspension of a vendor's eligibility to participate in the Medical Assistance Program, is being amended by the addition of a new provision prohibiting the transfer of a terminated or barred individual's direct or indirect ownership of a vendor, to relatives. Section 140.32, which specifies participation prohibitions during the period of termination, suspension or barring, is also being amended by similar new language regarding the disallowance of transfers of ownership interests in a vendor to relatives.

Section 140.19 is being amended to require that when a vendor has been terminated a second or subsequent time from the Medical Assistance Program, he or she must be barred from participation for at least two years. If the vendor then applies for reinstatement to the Program and is denied by the Department, he or she will be further barred from applying for reinstatement for a period of two years from the date of the denial of the application.

These proposed amendments are not expected to result in any changes in Department spending.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER I: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER d: MEDICAL PROGRAMS

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 MEDICAL PAYMENT

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TABLE M Enhanced Rates for Healthy Moms/Healthy Kids Provider Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. III, IV, V, VI, VII, and 5/12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 29, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill.

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Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.912 and 140.912 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.205 and 147.205 Table A and 147.205 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988,

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for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 18057, effective October 12, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264,

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effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16355, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 20, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 24, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. _____, effective _____.

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Section 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

a) The Department may terminate or suspend a vendor's eligibility to participate in the Medical Assistance Program if it determines that, at any time prior to or subsequent to the effective date of these Rules:

- 1) Such vendor is not complying with the Department's policy or rules, or with the terms and conditions prescribed by the Department in any vendor agreement developed as a result of negotiations with the vendor category, or with the covenants contained in certifications bearing the vendor's signature on claims submitted to the Department by the vendor, or with restrictions on participation imposed pursuant to Section 140.32(f);
- 2) Such vendor is not properly licensed or qualified, or such vendor's professional license, certificate or other authorization has not been renewed or has been revoked, suspended or otherwise terminated as determined by the appropriate licensing, certifying or authorizing agency;
- 3) Violates records requirements
 - A) Such vendor has failed to keep or make available for inspection, audit or copying (including photocopying), after receiving a written request from the Department,
 - i) such records as are required to be maintained by the Department or as are necessary to fully disclose the extent of the services or supplies provided; or
 - ii) such records as are required to be maintained by the Department regarding payments claimed for providing services.
 - B) This Section does not require vendors to make available medical records of patients for whom services are not reimbursed under the Illinois Public Aid Code;
- 4) Such vendor has failed to furnish any information requested by the Department regarding payments for providing goods or services, or has failed to furnish all information required by the Department in connection with the rendering of services or supplies to recipients of public assistance by the vendor, his agent, employer or employee;
- 5) Such vendor has knowingly made, or caused to be made, any false statement or representation of a material fact in connection with the administration of the Medical Assistance Program. For purposes of this Section, statements or representations made with "knowingly" shall include statements or representations made with actual knowledge that they were false as well as those statements made when the individual making the statement had knowledge of such facts or information as would cause one to be aware that the statements or representations were false when made;
- 6) Such vendor has submitted claims for services or supplies which

were not rendered or delivered by that vendor;

7) Such vendor has furnished goods or services to a recipient which, when based upon competent medical judgment and evaluation, are determined to be:

- A) in excess of the recipient's needs,
- B) harmful to the recipient (for the purpose of this Section, "harmful" goods or services caused actual harm to a recipient or placed a recipient at risk of harm, or of adverse side effects which outweigh the medical benefits sought to be provided), or

C) of grossly inferior quality;

8) Such vendor knew or should have known that a person with management responsibility for a vendor; an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an investor in the vendor; a technical or other advisor of the vendor; an owner of a sole proprietorship which is a vendor; or a partner in a partnership which is a vendor was previously terminated or barred from participation in the Medical Assistance Program;

9) Engaged in practices prohibited by Federal or State law or regulation

A) Such vendor, a person with management responsibility for a vendor; an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship which is a vendor; or a partner in a partnership which is a vendor, either:

- i) has engaged in practices prohibited by applicable Federal or State law or regulation; or
- ii) was a person with management responsibility for a vendor at the time that such vendor engaged in practices prohibited by applicable Federal or State law or regulation; or
- iii) was an officer, or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a vendor at the time such vendor engaged in practices prohibited by applicable Federal or State law or regulation; or
- iv) was an owner of a sole proprietorship or partner of a partnership which was a vendor at the time such vendor engaged in practices prohibited by applicable Federal or State law or regulation;

B) For purposes of subsection (a)(9) of this Section "applicable Federal or State law or regulation" shall include licensing or certification standards contained in State or Federal law or regulations related to the Medical Assistance Program, any other licensing standards as they relate to the vendor's practice or business or any Federal

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or State laws or regulations related to the Medical Assistance Program.

C) For purposes of subsection (a)(9) of this Section conviction or a plea of guilty to activities violative of applicable Federal or State law or regulation shall be conclusive proof that such activities were engaged in;

10) Such vendor, a person with management responsibility for a vendor; an officer or person owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship which is a vendor, or a partner in a partnership which is a vendor, has been convicted in this or any other State, or in any Federal Court, of any felony not related to the Medical Assistance Program if such felony constitutes grounds for disciplinary action under the licensing act applicable to that individual or vendor;

11) The direct or indirect ownership of the vendor (including the ownership of a vendor that is a sole proprietorship, a partner's interest in a vendor that is a partnership, or ownership of 5% or more of the shares of stock or other evidences of ownership in a corporate vendor) has been transferred by an individual who is terminated or barred from participating as a vendor to the individual's spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

b) If any of the activities described in subsections (a)(1) through (a)(9) above were engaged in prior to December 1, 1977, they may be used as the basis for termination only if the vendor had actual or constructive knowledge of the requirements which applied to his conduct or activities.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring

a) A vendor that has been terminated from the Medical Assistance Program may not apply to participate for at least one year from the date of the final administrative decision terminating eligibility. After one year a vendor who has been terminated may apply for reinstatement to the Medical Assistance Program. If a vendor's application for reinstatement is denied by the Department, he shall be barred from again applying for reinstatement for one year from the date of the final administrative decision denying his application for reinstatement.

b) At the end of a period of suspension, a vendor that has been suspended from the Medical Assistance Program shall be reinstated upon completion of the necessary enrollment forms and execution of a new vendor agreement unless it is determined that such vendor has not

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corrected the deficiencies upon which the suspension was based. If the deficiencies have not been corrected, the vendor shall, after notice and hearing, be terminated. The notice in any termination action based on this Section shall notify the vendor of the deficiencies not corrected.

c) An individual barred pursuant to Section 140.18 can apply to participate in the Medical Assistance Program. If an individual's application is denied by the Department or if he is denied special permission under Section 140.32, he shall be barred from again applying for one year from the date of the final administrative decision denying his application or special permission.

d) If a vendor has been terminated and reinstated to the Medical Assistance Program and the vendor is terminated a second or subsequent time from the Medical Assistance Program, the vendor shall be barred from participation for at least two years. At the end of two years, a vendor who has been terminated may apply for reinstatement to the Medical Assistance Program. If a vendor's application for reinstatement is denied by the Department, he shall be barred from again applying for reinstatement for two years from the date of the final administrative decision denying his application for reinstatement.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 140.32 Prohibition on Participation, and Special Permission for Participation

a) Prohibition on Participation, by Terminated, Suspended or Barred Entities

1) Upon being terminated, suspended or barred and while such disability from Medical Assistance Program participation remains in effect, an entity:

A) Cannot be a vendor, assume management responsibility for a vendor, own (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership of a corporate vendor, become an owner of a sole proprietorship that is a vendor, become a partner of a vendor or become an officer of a corporate vendor;

B) Cannot be an employer of a vendor; a person with management responsibility for an employer of a vendor; an officer of an employer of a vendor; an entity owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in an employer of a vendor; an owner of a sole proprietorship that employs a vendor; or a partner of a partnership that employs a vendor;

C) Cannot order goods or services from a vendor when payment for such goods or services will be made in whole or in part by the Department;

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- D) Cannot render goods or services as an employee of a vendor or as an independent contractor with a vendor for which payment will be made in whole or in part by the Department;
- E) Cannot, directly or indirectly, serve as a technical or other advisor to a vendor;
- F) Cannot, directly or indirectly, be an incorporator or member of the board of directors of a vendor;
- G) Cannot, directly or indirectly, be an investor in a vendor; and
- H) Cannot own (directly or indirectly) a 5% or greater interest in any premises or equipment leased by a vendor.
- 2) An individual who is terminated or barred from participation in the Medical Assistance Program cannot transfer the direct or indirect ownership of a vendor (including the ownership of a vendor that is a sole proprietorship, a partner's interest in a partnership that is a partnership, or ownership of 5% or more of the shares of stock or other evidences of ownership in a corporate vendor) to the individual's spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.
- 3) After the provision of written notice to the affected parties, the Department may deny payment for goods or services rendered or ordered by an entity that violates the provisions of subsections (a)(1)(A), (B), (C) or (D), ~~(a)(2)(A)-(D)~~ of this Section. The Department may also pursue the imposition of all criminal and civil penalties as may be available and necessary.
- ~~3)(4)~~ Whenever an entity violates the provisions of subsections (a)(1)(E), (F), (G) or (H) ~~(a)(2)(A)-(D)~~ of this Section the Department may refer the matter for filing of an appropriate civil suit by the Attorney General or the State's Attorney to recover all benefits obtained improperly as well as treble damages or \$10,000.00 for each such violation whichever amount is greater, in accordance with the provisions of Ill. Rev. Stat. (1991), ch. 23., par. 11-27.
- b) Special Permission for Continuation or Reinstatement of Medical Assistance Program Participation for Barred Entities
- 1) Any entity barred pursuant to Section 140.18 may seek special permission to continue participation in the Medical Assistance Program or for reinstatement in the Program.
- 2) Special permission shall be granted only if the entity seeking such action demonstrates to the Department that it had no part in, and no knowledge of, the conduct which led to the decision to terminate upon which the barring was based or that it had no part in, and notified the Department as soon as it gained knowledge of, the conduct.
- 3) In deciding whether to authorize the continued participation by, or reinstatement of, an entity that meets the conditions of this subsection (b) the Director shall consider the following factors:
- A) Whether the entity requesting special permission

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- demonstrates a fitness to participate in the Medical Assistance Program;
- B) The extent to which any legally enforceable debts owed to the Department by the applicant or an entity in which the applicant or his nominee held a substantial ownership interest have been paid;
- C) Any other circumstances reasonably related to the issue of whether the special permission should be granted.
- 4) Any entity that seeks special permission to continue or reinstate benefits shall submit a written request to the Director. Upon receipt of such a request, the Director or his designee shall review the request and any supporting documentation which accompanies it, and shall notify the entity of the decision within 60 days after receipt of the request, where practicable. In reviewing the request, the Director may require the entity to appear before and cooperate with a peer review committee of the Department.
- 5) An entity may request special permission only once. An entity that has been denied special permission may not apply for readmission under Section 140.14 for one year after the final decision to deny special permission. An entity that has been denied readmission under Section 140.14 or has an application under Section 140.14 pending with the Department may not apply for special permission.
- 6) Whenever a barred entity is readmitted to the Medical Assistance Program pursuant to this Section, the Director may make the vendor's continued participation contingent upon compliance with specified restrictions, including, but not limited to:
- A) Limiting the participation by the entity as to the location, type, volume or category of goods or services to be provided;
- B) Requiring that the entity obtain continuing education, or additional licenses or authorizations; and
- C) Any other terms or conditions which may be appropriate or required under the circumstances.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Application Process

2) Code Citation: 89 Ill. Adm. Code 683

3) Section Numbers: Proposed Action:

| | |
|---------|----------|
| 683.100 | Repealed |
| 683.200 | Repealed |
| 683.300 | Repealed |
| 683.400 | Repealed |
| 683.500 | Repealed |
| 683.550 | Repealed |
| 683.600 | Repealed |
| 683.700 | Repealed |
| 683.800 | Repealed |

4) Statutory Authority: Implementing and authorized by Section 3(g) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1983, ch. 23, par. 3-434(g)) [20 ILCS 2405/3(g)].

5) A Complete Description of the Subjects and Issues Involved: In order to reorganize and clarify the Administrative Rules for the Home Services Program, all current Administrative Rules are being repealed and all new Administrative Rules are being proposed.

The proposed Administrative Rules do not reflect programmatic changes, rather just clarification and consolidation of the program provisions.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this rulemaking contain incorporations by reference? No.

9) Are there any other proposed remaking pending on this Part? No.

10) Statement of Statewide Policy Objectives: This is not applicable to this rulemaking.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896

TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Repealer begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 683
APPLICATION PROCESS
(REPEALED)

| | |
|---------|----------------------------------|
| Section | |
| 683.100 | Availability of Applications |
| 683.200 | Completed Application |
| 683.300 | Making Application |
| 683.400 | Date of Application |
| 683.500 | Applicant |
| 683.550 | Application |
| 683.600 | Filing of Application |
| 683.700 | Signing of Application |
| 683.800 | Assistance by Local Office Staff |

AUTHORITY: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1983, ch. 23, par. 3434(g)).

SOURCE: Adopted and codified at 7 Ill. Reg. 31, p. 8848, effective July 18, 1983; amended at 8 Ill. Reg. 15618, effective August 17, 1984; emergency amendment at 16 Ill. Reg. 2688, effective February 3, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11679, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13974, effective August 26, 1992, for a maximum of 150 days; Part repealed at 18 Ill. Reg. _____, effective _____.

Section 683.100 Availability of Applications

An application form shall be mailed or otherwise provided to any individual requesting application to the Home Services Program (HSP) within one working day of the request for application.

Section 683.200 Completed Application

A completed application is a form prescribed by HSP in which the client requests services, and which is signed by the client or representative.

Section 683.300 Making Application

Making application is the action by which an individual indicates on a completed application form a request to receive services. An application is different from an inquiry, in that an inquiry is a request for information about eligibility requirements for services or other program information.

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Section 683.400 Date of Application

The date of application is the date that a completed application is received by the local office serving the area in which the applicant lives.

Section 683.500 Applicant

"Applicant" - An individual who has completed and signed an application for Home Services, or a person on whose behalf an application is completed and signed. Such an individual is also considered a Home Services client.

Section 683.550 Application

"Application" - A request for services by means of a designated form prescribed for this purpose by HSP.

Section 683.600 Filing of Application

Application may be made by an individual, or authorized representative, or, if the individual is incompetent (89 Ill. Adm. Code 685.200(a)), incapacitated (89 Ill. Adm. Code 683.700(c)), or unqualified by reason of age (42 CFR 435.907, 10/82), a person who has agreed to represent the client.

Section 683.700 Signing of Application

The applicant signs the application except when application is being made on behalf of the applicant. For the following exceptions, the application may be signed by the individual making application on behalf of the applicant.

- a) When an individual has an authorized representative, the application may be signed by the authorized representative, where the authorized representative is either legally responsible for the client or has been appointed as the client's legal guardian.
- b) When an individual has a legally appointed guardian other than a "limited" or "temporary" guardian, the guardian must sign the application.
 - 1) If either a "limited" or "temporary" guardian has been appointed, the application is signed by the applicant. When the "limited" or "temporary" guardian applies on behalf of the individual, the signature of the applicant is not required on the application, and will be signed by such guardian.
 - 2) A legally appointed guardian may serve as either or both the "guardian of the person" and/or the "guardian of the estate." If two different persons are appointed guardian for the applicant, one of the "person" and one of the "estate," the "guardian of the person" determines which one is to sign the application.
- c) An application may be signed by someone who has agreed to represent the client in this process when the client:
 - 1) has not been determined legally incompetent; and
 - 2) is physically or mentally incapacitated such that he or she is

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- unable to sign the application; and
- 3) does not have an authorized representative.
- d) When the individual is under legal responsibility of the Department of Children and Family Services (DCFS), the application must be signed by an authorized representative of DCFS.

Section 683.800 Assistance by Local Office Staff

The applicant will receive the assistance of local office staff in the application process, upon request.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Case Closures
- 2) Code Citation: 89 Ill. Adm. Code 705
- 3) Section Numbers:
705.100 Repealed
705.200 Repealed
- 4) Statutory Authority: Section 3(g) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)) [20 ILCS 2405/3(g)].
- 5) A Complete Description of the Subjects and Issues Involved:
In order to reorganize and clarify the Administrative Rules for the Home Services Program, all current Administrative Rules are being repealed and all new Administrative Rules are being proposed.

The proposed Administrative Rules do not reflect programmatic changes, rather just clarification and consolidation of the program provisions.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this rulemaking contain incorporations by reference? No.
- 9) Are there any other proposed rulemakings pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.
- 11) Time, Place and Manner in which interested persons may comment on these proposed rulemakings: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:
- Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
- Telephone number: (217) 785-3896
TTY: (217) 785-9301
- If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.
- 12) Initial Regulatory Flexibility Analysis: The Department has determined

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

that this rulemaking will not affect small businesses.

The full text of the Proposed Repealer begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 705
CASE CLOSURES
(REPEALED)

Section
705.100 Reasons for Closure
705.200 Notification of Closure

AUTHORITY: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)).

SOURCE: Adopted and codified at 7 Ill. Reg. 8853, effective July 18, 1983;
Part repealed at 18 Ill. Reg. _____, effective _____.

ASection 705.100 Reasons for Closure

Clients will be denied services or terminated from services for the following reasons:

- a) The client has moved from Illinois, or cannot be located or contacted
- b) The client's service cost exceeds that of the projected institutional cost
- c) The client refuses service or further service
- d) Client death
- e) Institutionalization of the client
- f) The client is transferred to another agency and no longer requires or is eligible for HSP
- g) The client fails to cooperate (see 89 Ill. Adm. Code 680)
- h) The client's condition has improved and services are no longer needed
- i) The client is not at risk of institutionalization based on medical, programmatic or financial criteria
- j) Other factors of eligibility criteria are not met

ection 705.200 Notification of Closure

Notification of intended denial or termination of services shall be provided according to 89 Ill. Adm. Code 678.400.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Case Records
- 2) Code Citation: 89 Ill. Adm. Code 710
- 3) Section Numbers:
- | | |
|---------|-------------------------|
| 710.100 | <u>Proposed Action:</u> |
| 710.300 | Repealed |
| 710.400 | Repealed |
- 4) Statutory Authority: Section 3(g) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)) [20 ILCS 2405/3(g)].

5) A Complete Description of the Subjects and Issues Involved: In order to reorganize and clarify the Administrative Rules for the Home Services Program, all current Administrative Rules are being repealed and all new Administrative Rules are being proposed.

The proposed Administrative Rules do not reflect programmatic changes, rather just clarification and consolidation of the program provisions.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed contain incorporations by reference? No.

9) Are there any other proposed rulemaking pending on this Part? No.

10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

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Telephone number: (217)785-3896
TTY: (217)785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

DEPARTMENT OF REHABILITATION SERVICES

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- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Repealer begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 710
CASE RECORDS
(REPEALED)

Section
710.100 Establishment of Case Records
710.300 Maintenance of Case Records
710.400 Contents of Case Records

AUTHORITY: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1981, ch. 23, par. 3434(g)).

SOURCE: Adopted and codified at 7 Ill. Reg. 8857, effective July 18, 1983; Part repealed at 18 Ill. Reg. _____, effective _____.

Section 710.100 Establishment of Case Records

A case record is to be established when a completed application is received and is to be maintained for each client for the time period specified under the Medicaid regulations (45 CFR Part 74, 10/82) governing this. Each case record is to include documentation of all actions taken concerning each application, and copies of all forms, and of all client financial service provision transactions, if applicable. The record is also to indicate the basis for approval or denial of the application.

Section 710.300 Maintenance of Case Records

For all active cases, the case record is to be maintained with all information pertinent to eligibility determination and redetermination kept current.

Section 710.400 Contents of Case Records

All contacts, actions taken, and decisions made with respect to the case must be recorded in the case record. All forms, documents and other material related to the maintenance of the case must be filed in the case record.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Case Transfers/Referrals
2) Code Citation: 89 Ill. Adm. Code 708

3) Section Numbers:
708.100 Proposed Action:
Repealed
708.200 Repealed
708.300 Repealed

4) Statutory Authority: Implementing and authorized by Section 3(g) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)) [20 ILCS 2405/3(g)].

5) A Complete Description of the Subjects and Issues Involved: In order to reorganize and clarify the Administrative Rules for the Home Services Program, all current Administrative Rules are being repealed and all new Administrative Rules are being proposed.

The proposed Administrative Rules do not reflect programmatic changes, rather just clarification and consolidation of the program provisions.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this rulemaking contain incorporations by reference? No.

9) Are there any other proposed rulemakings pending on this Part? No.

10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

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DEPARTMENT OF REHABILITATION SERVICES

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Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The Department of the Proposed Repealers begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
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PART 708
CASE TRANSFERS/REFERRALS
(REPEALED)

- Section
- 708.100 Intra-Program Case Transfers
- 708.200 Intra-Agency Case Referrals
- 708.300 Interagency Case Referrals/Transfers

AUTHORITY: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1981, ch. 23, par. 3434(g)).

SOURCE: Adopted and codified at 7 Ill. Reg. 8859, effective July 18, 1983; emergency amendment at 17 Ill. Reg. 10003, effective June 18, 1993, for a maximum of 150 days; Part repealed at 18 Ill. Reg. _____, effective _____.

Section 708.100 Intra-Program Case Transfers

Client cases are handled by designated staff of the local office which serves each respective client's geographical area. The Home Services Program (HSP) reserves the right to transfer cases at agency discretion to different staff and/or different offices due to revised geographical jurisdiction of local offices or for equitable distribution of the state caseload. Case management and service provision in these situations will be continued as the transfer is made.

Section 708.200 Intra-Agency Case Referrals

If at any time Department staff determine that an HSP client has potential for vocational rehabilitation (VR), the client, along with pertinent HSP case information, will be referred to the appropriate VR local office staff. The client has the right to accept or reject VR application or services but Department staff have an obligation to make all referrals to VR that they deem appropriate.

Section 708.300 Interagency Case Referrals/Transfers

In accordance with an interagency agreement between the Department of Rehabilitation Services (DORS) and the Department on Aging (DOA), certain clients age 60 or above may be referred from DORS to DOA for service provision. Such referrals would be made in the best interest of the clients, but the clients have the right to choose whether they wish to have their cases transferred to DOA or whether they wish to remain in HSP who have have

DEPARTMENT OF REHABILITATION SERVICES

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initially agreed to the transfer will be notified that they retain the right to change their choice for 60 days after the transfer.

DEPARTMENT OF REHABILITATION SERVICES

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1) Heading of the Part: Client Responsibilities

2) Code Citation: 89 Ill. Adm. Code 680

3) Section Numbers: Proposed Action:
680.100 Repealed
600.200 Repealed
600.300 Repealed

4) Statutory Authority: Section 3 (g) of Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g) [20 ILCS 2405/3(g)]).

5) A Complete Description of the Subjects and Issues Involved: In order to reorganize and clarify the Administrative Rules for the Home Services Program, all current Administrative Rules are being repealed and all new Administrative Rules are being proposed.

The proposed Administrative Rules do not reflect programmatic changes, rather just clarification and consolidation of the program provisions.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this rulemaking contain incorporations by reference? No.

9) Are there any other proposed rulemaking pending on this Part? No.

10) Statement of Statewide Policy Objectives (if applicable): This is not applicable to this Rulemaking.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemakings: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

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Telephone number: (217) 785-3896
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If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

1. Social Regulatory Flexibility Analysis: The Department has determined that rulemaking will not affect small businesses.

The full text of this Proposed Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 680
CLIENT RESPONSIBILITIES
(REPEALED)

Section
680.100 Eligibility Determination
680.200 Reporting Changes of Circumstances
680.300 Other Client Responsibilities

AUTHORITY: Section 3(g) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)) [20 ILCS 2405/3(g)].

SOURCE: Adopted and codified at 7 Ill. Reg. 8862, effective July 18, 1983; amended at 15 Ill. Reg. 15749, effective October 21, 1991; amended at 17 Ill. Reg. 7230, effective May 10, 1993; Part repealed at 18 Ill. Reg. _____, effective _____.

Section 680.100 Eligibility Determination

It is the joint responsibility of the client and local office staff to establish the client's eligibility for services. It is the responsibility of the client to provide, to the extent that the client is able, the factual information necessary to establish initial and continuing eligibility, and to cooperate with the verification that eligibility criteria are met. (See also 89 Ill. Adm. Code 690.300(a).) If the client is unable to do so, local office staff, with the consent of the client, will assist in obtaining such information. It is the client's responsibility to provide consent for release of information using forms prescribed by the Department, and to cooperate with the efforts of local office staff or other agencies involved in the eligibility process. Failure to meet these responsibilities may result in a delay of service provision up to 105 days at which time a denial of service will be rendered. (See also 89 Ill. Adm. Code 705).

Section 680.200 Reporting Changes of Circumstances

It is the responsibility of the client to report all changes in circumstances which affect eligibility for or extent of services provided, through the Home Services Program (HSP). (See 89 Ill. Adm. Code 695.300, Maintenance of Service Provision, for HSP's responsibility in handling reported changes.) Such information must be reported to the local office and includes:

- a) Change of address or housing arrangement
- b) Change in family size
- c) Change in income or assets derived from any source
- d) Change of citizenship or residency status
- e) Change of services provided by available family, friends or others at

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- no cost to the Department
- f) Change of services needed
 - g) Change of medical condition
 - h) Change of service providers
 - i) Any absence from home that affects service provision

BSection 680.300 Other Client Responsibilities

- a) Clients must cooperate with Department projects conducted for the purpose of obtaining or validating general program information or operations, where such projects are not related to client-specific eligibility.
- b) Clients are required to provide a mailing address, telephone number (if they have one), and sufficient information to enable local office staff to locate the client including directions to the client's home, if necessary. The client will also provide the name, address and phone number of an individual who will know the whereabouts of the client and/or through whom the client can be located.
- c) Clients are required to apply for all other financial or service benefits for which they may qualify insofar as these benefits may affect HSP eligibility, client cost share amount, or cost of service to DORS, with the exception of benefits in subsection (d) below. Clients are further to avail themselves of such benefits at the earliest possible date and may request local office staff to assist in the process of seeking such benefits.
- d) Clients may choose to apply for Medicaid, pursuant to 89 Ill. Adm. Code 685.150.
- e) Clients are required to avail themselves of all potential resources, including claiming the maximum number of allowable exemptions from State and Federal income tax returns.
- f) In order to receive services, or continue to receive services, clients are required to sign all forms, and supply any information required by those forms, which are necessary to comply with applicable State or Federal laws or the provisions of the Medicaid Waiver or are necessary to process payments through the Comptroller's Office. Clients receiving Personal Assistant service must also sign the Client/Provider Agreement (see 89 Ill. Adm. Code 714.310).

DEPARTMENT OF REHABILITATION SERVICE

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Client Rights
- 2) Code Citation: 89 Ill. Adm. Code 678
- 3) Section Numbers:

| | |
|---------|----------|
| 678.10 | Repealed |
| 678.50 | Repealed |
| 678.100 | Repealed |
| 678.150 | Repealed |
| 678.200 | Repealed |
| 678.250 | Repealed |
| 678.300 | Repealed |
| 678.350 | Repealed |
| 678.400 | Repealed |
| 678.450 | Repealed |
| 678.500 | Repealed |
| 678.550 | Repealed |

- 4) Statutory Authority: Section 3(g) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1981, ch. 23, par. 3434(g)) [20 ILCS 2405/3(g)].
- 5) A Complete Description of the Subjects and Issues Involved: In order to reorganize and clarify the Administrative Rules for the Home Services Program, all current Administrative Rules are being repealed and all new Administrative Rules are being proposed.
- The proposed Administrative Rules do not reflect programmatic changes, rather just clarification and consolidation of the program provisions.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this rulemaking contain incorporations by reference? No.
- 9) Are there any other proposed rulemakings pending on this Part? No.

10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services

DEPARTMENT OF REHABILITATION SERVICE

NOTICE OF PROPOSED REPEALER

Box 19429

Field, Illinois 62794-9429

Telephone number: (217) 785-3896

(217) 785-9301

disability you are unable to put comments into them orally to the person listed above.

Flexibility Analysis: The Department has determined that this repeal will not affect small businesses.

Repealer begins on the next page:

DEPARTMENT OF REHABILITATION SERVICE

NOTICE OF PROPOSED REPEALER

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES

SUBCHAPTER d: HOME SERVICES PROGRAM

PART 678

CLIENT RIGHTS

(REPEALED)

Section

678.10 Assurance of Client Rights

678.50 Nondiscrimination

678.100 Confidentiality

678.150 Freedom of Choice

678.200 Choice of Living Arrangements

678.250 Choice of Medical and Service Providers

678.300 Referral

678.350 Application

678.400 Notice of Action

678.450 Appeals and Fair Hearings

678.500 Other Information Available

678.550 Voluntary Repayment of Assistance

AUTHORITY: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1981, ch. 23, par. 3434(g)).

SOURCE: Adopted and codified at 7 Ill. Reg. 8866, effective July 18, 1983; Part repealed at 18 Ill. Reg. _____, effective _____.

Section 678.10 Assurance of Client Rights

The Home Services Program (HSP) must be operated in such a way as to afford certain rights to clients. In addition, HSP must provide clients with an explanation of their rights and responsibilities at the time of application and upon request.

Section 678.50 Nondiscrimination

- a) No individual participating in any program or activity administered by the Department shall be discriminated against because of race, color, religion, ancestry, marital status, political affiliation, sex, physical or mental handicap, national origin, or unfavorable discharge from military service.
- b) Information regarding the Department's nondiscrimination policy shall be made available by local office staff to all applicants and their representatives at the time of application and upon filing a complaint under 89 Ill. Adm. Code 678.50(c), to all vendors receiving direct payment from the Department, and to all other interested parties upon request.

DEPARTMENT OF REHABILITATION SERVICE

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- c) Any aggrieved person may file a written complaint of alleged discriminatory conditions or practices encountered in the Department's programs and activities. If a person is unable to reduce the complaint to writing, oral reports may be accepted. Such filing may be made with the Director of the Department or with any agency having jurisdiction over such matters. Complaints against the Department are subject to the provisions of 89 Ill. Adm. Code 510. Complaints against other individuals, agencies or organizations shall be referred by HSP to the Department of Human Rights. The Department shall make no retaliatory actions as a result of such filing. Information as necessary for such filing shall be provided upon request by the Director's Office.
- d) No payment for goods and services provided shall be made by the Department to any agency, institution, organization or individual vendor which initiates or continues prohibited discriminatory practices as discovered through complaints filed under 89 Ill. Adm. Code 678.50(c).

Section 678.100 Confidentiality

- a) For the protection of clients, any information about a client or case is confidential and may be used only for purposes directly related to the administration of the program. Activities which are considered to be included in the administration of the program are as follows:
- 1) Establishing a client's initial or continuing eligibility for services.
 - 2) Finding and making needed services and resources available to clients.
 - 3) Sharing client information with the Department of Public Aid which is required to claim Medicaid reimbursement for services.
 - b) All other aspects of confidentiality and release of information shall be governed by 89 Ill. Adm. Code 505. Basic information concerning this shall be provided to clients at the time of application, and complete copies shall be furnished on request.

Section 678.150 Freedom of Choice

- a) An individual has the right to apply for and receive service, if eligible, under the long term care program of the individual's choice. Therefore, an individual who is eligible for both institutional care and home care may choose to receive one or the other but may not receive both at the same time. (Institutional care is not available through DORS.)
- b) An individual may choose at any time not to receive services for which HSP eligibility has been determined. If, as a result of this choice, an individual is terminated from HSP, the individual shall be required to re-apply if services are desired at a later time.

Section 678.200 Choice of Living Arrangements

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An individual must have a choice of living arrangements and HSP has neither the right nor the responsibility to impose upon a client a change in living arrangements, where "living arrangements" are defined as the physical housing and the persons residing in the household.

Section 678.250 Choice of Medical and Service Providers

An individual applying for or receiving HSP service is entitled to a choice of physicians, hospitals, or other providers of goods and services. However, payment will be made only for providers who meet the service provider standards under 89 Ill. Adm. Code 695.400 and 700.

Section 678.300 Referral

The client has the right to receive information about programs and services of the Department. The client also has the right to be referred to other agencies for appropriate programs and services.

Section 678.350 Application

The client has the right to apply for any programs and services of the Department.

Section 678.400 Notice of Action

- a) Every applicant to HSP has the right to a written notice of disposition of the application. (See also 89 Ill. Adm. Code 693.200)
- b) Every HSP client has the right to a written and timely notice whenever service is reduced, suspended, denied or terminated.
 - 1) Such notice must be mailed at least 10 calendar days prior to the effective date of the reduced, suspended, denied or terminated service.
 - 2) Day one of the ten day period is the day following the date of the notice.
 - 3) The date on a notice is the same date the notice is mailed.
- c) The above notices must contain the following information:
 - 1) A clear statement of the action to be taken.
 - 2) A clear statement of the reason for the action.
 - 3) A reference to the specific rule under Title 89, Chapter IV, Subchapter d which supports such action.
 - 4) A complete statement of the client's right to appeal.
 - 5) A statement indicating that services will be continued at the previous level until an Administrative Review decision is rendered, if an appeal is initiated within 10 days of the date on the notice. (See also 89 Ill. Adm. Code 510).

Section 678.450 Appeals and Fair Hearings

The client has the right to appeal any action initiated and taken by HSP

DEPARTMENT OF REHABILITATION SERVICE

NOTICE OF PROPOSED REPEALER

against the client as set forth under 89 Ill. Adm. Code 510, which shall govern the conduct of such appeals.

Section 678.500 Other Information Available

- a) Each local office must maintain files containing the names and addresses of all HSP clients served in that office. This information is not to be made available for public inspection. Information from these files is also not to be used for political, personal or commercial purposes. (See also Confidentiality, 89 Ill. Adm. Code 678.100.)
- b) Policy and procedures contained in the Department's Client Services Manual shall be available to the public in each Department office.
- c) Informational brochures are to be distributed by local office staff at the time of application for services and upon request. Explanation of the content of these pamphlets and associated programs is to be provided as requested.

Section 678.550 Voluntary Repayment of Assistance

- a) A client or former client of HSP may voluntarily repay all or part of the cost of services provided.
- b) A responsible relative or other person may, on behalf of a client or former client, repay all or part of the cost of services provided.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

1) Heading of the Part: Customer Rights and Responsibilities

2) Code Citation: 89 Ill. Adm. Code 677

3) Section Numbers:

| | | |
|--------|-----|-------------------------|
| 677.10 | New | <u>Proposed Action:</u> |
| 677.20 | New | |
| 677.30 | New | |
| 677.40 | New | |
| 677.50 | New | |
| 677.60 | New | |
| 677.70 | New | |

| | |
|---------|-----|
| 677.80 | New |
| 677.90 | New |
| 677.200 | New |

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) A Complete Description of the Subjects and Issues Involved: In order to reorganize and clarify the Administrative Rules for the Home Services Program, all current Administrative Rules are being repealed and all new Administrative Rules are being proposed.

The proposed Administrative Rules do not reflect programmatic changes, rather just clarification and consolidation of the program provisions.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rulemaking contain incorporations by reference? No.

9) Are there any other proposed rulemakings pending on this part? No.

10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

Telephone number: (217) 785-3896
TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rule begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 677

CUSTOMER RIGHTS AND RESPONSIBILITIES

SUBPART A: CUSTOMER RIGHTS

Section

677.10 Assurance of Customer Rights
677.20 Nondiscrimination
677.30 Confidentiality of Information
677.40 Freedom of Choice
677.50 Referral
677.60 Application
677.70 Notice of Action
677.80 Appeal of an Action Taken by DORS
677.90 Repayment of Assistance

SUBPART B: CUSTOMER RESPONSIBILITIES

Section

677.200 Consumer Responsibilities

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 18 Ill. Reg. _____, effective _____.

SUBPART A: CUSTOMER RIGHTS

Section 677.10 Assurance of Customer Rights

The customer shall be informed of his/her rights at the time of referral, application, eligibility determination, service initiation, change in services, case closure and upon request.

Section 677.20 Nondiscrimination

DORS shall not discriminate against any customer seeking or receiving services through HSP on the basis of race, color, religion, ancestry, marital status, political affiliation, sex, disability, national origin, or unfavorable discharge from the military.

Section 677.30 Confidentiality of Information

All customer information maintained by DORS for the purposes of HSP is

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confidential and shall only be used for the purpose of administration of HSP, pursuant to DORS' rules found at 89 Ill. Adm. Code 505 - Confidentiality and 89 Ill. Adm. Code 676.110.

Section 677.40 Freedom of Choice

Under HSP, an individual has the following rights, however, the choices made by the individual may affect the services through HSP for which the individual is eligible or which might otherwise be available.

- a) An individual shall have the right to apply for and, if eligible, receive services under the program of the individual's choice. Therefore, an individual eligible for both institutional care and HSP services has the right to choose one or the other, but may not receive both at the same time. Institutional care is not available through DORS and, if the individual chooses HSP services, DORS shall have the right to determine the waiver under which the customer will be served and the level of the provider of services.
- b) An individual has the right not to accept those services for which he/she has been determined eligible to receive through DORS at any time. However, if the individual chooses to terminate services, he/she may have to reapply for services and undergo another determination of eligibility if he/she later desires services through HSP.
- c) An individual has the right to choose his/her living arrangement, including the physical dwelling and persons residing in the dwelling. DORS shall not impose a living arrangement on any individual; however, such choices may impact the services available to the customer due to conditions such as location of the dwelling and impact on necessary services due to others residing in the dwelling.
- d) An individual applying for, or receiving services through HSP shall have the right to choose medical and non-medical service providers. However, payment may only be made to those service providers which meet the standards established by DORS as found at 89 Ill. Adm. Code 711 and who will accept DORS fees for a specific service approved by DORS, if DORS is to issue payment for the service.

Section 677.50 Referral

- a) An individual has the right to receive information regarding all DORS programs, including HSP.
- b) An individual has the right to be referred by DORS for other appropriate services, within and outside DORS. The customer's permission must be received in writing prior to DORS making any such referral, pursuant to DORS' rules at 89 Ill. Adm. Code 505 - Confidentiality.

Section 677.60 Application

An individual has the right to apply for services through any of DORS' programs and to have the application processed in an appropriate and expedient manner.

Section 677.70 Notice of Action

Every customer has the right to a written notice of the disposition of any referral, application, or any denial, termination, or change in services. Such a notice shall be mailed at least 15 working days prior to the effective date of the action and shall include:

- a) a clear statement of the action taken;
- b) a clear statement of the reason for the action;
- c) a clear and complete statement of the customer's right of appeal;
- d) a statement indicating that, if an appeal is filed, services will continue at the level at the time the appeal is filed during the period of the appeal under the conditions and limitations stated at 89 Ill. Adm. Code 510.60.

Section 677.80 Appeal of an Action Taken by DORS

The customer has the right to appeal an action or inaction on the part of DORS, with certain limitations, as set forth at 89 Ill. Adm. Code 510 - Appeals and Hearings.

Section 677.90 Repayment of Assistance

- a) A customer may voluntarily repay all or part of the costs associated with services provided him/her at anytime, however DORS shall not seek repayment for such services regardless of change in the customer's financial status.
- b) DORS shall seek repayment for any and all services determined to have been inappropriately provided to a customer due to false disclosure of a customer's financial status. Reimbursement shall be sought pursuant to DORS' rules found at 89 Ill. Adm. Code 527 - Recovery of Misspent Funds.

SUBPART B: CUSTOMER RESPONSIBILITIES

Section 677.200 Consumer Responsibilities

It is the responsibility of each customer of HSP to:

- a) provide that information necessary for DORS to process the referral of that individual for HSP services;
- b) provide a mailing and street address, along with directions to the individual's home sufficient for the DORS counselor to locate the individual;
- c) provide a telephone number if the individual has a telephone;
- d) sign an application, if the customer wishes a determination of eligibility to be made for HSP service;
- e) assist DORS staff on gathering the information necessary to determine eligibility;
- f) sign all required forms which are necessary to comply with applicable federal law or the provisions of the Medicaid Waiver or are necessary

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to process payment through the Comptroller's Office. A customer receiving PA services must sign the Client/Provider Agreement (89 Ill. Adm. Code 714.310);

- g) report all changes in circumstances which may effect eligibility or continued eligibility for services to DORS, as soon as known. Such changes include changes in:

- 1) address;
 - 2) living arrangement;
 - 3) income or assets;
 - 4) services provided to the individual at no cost to DORS;
 - 5) service needs;
 - 6) medical and/or psychological condition;
 - 7) services providers;
 - 8) absence of the individual from his/her home that affects service provision; and
 - 9) residency or citizenship status;
- h) apply for any and all other financial and service benefits that the customer may be expected to be eligible insofar that eligibility for these services may affect HSP eligibility, level of services required by the individual, cost of services to DORS;
- i) cooperate with DORS projects conducted for the purpose of obtaining or validating general program information or operations where such projects are not related to customer-specific eligibility;
- j) cooperate with service providers, DORS staff, and representatives in complying with HSP service plans, reassessments of eligibility and other administrative rules established in this Subchapter; and
- k) cooperate with DPA in applying for receiving, maintaining and recertifying eligibility for Medicaid.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Determination of Need (DON) and Resulting Service Cost Maximums (SCMs)

- 2) Code Citation: 89 Ill. Adm. Code 679

| <u>Section Numbers:</u> | <u>Proposed Action:</u> |
|-------------------------|-------------------------|
| 697.10 | New |
| 697.20 | New |
| 697.30 | New |
| 697.40 | New |
| 697.50 | New |

- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

- 5) A Complete Description of the Subjects and Issues Involved: In order to reorganize and clarify the Administrative Rules for the Home Services Program, all current Administrative Rules are being repealed and all new Administrative Rules are being proposed.

The proposed Administrative Rules do not reflect programmatic changes, rather just clarification and consolidation of the program provisions.

- 6) Will this rulemaking replace any emergency rule currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this rulemaking contain incorporations by reference? No.

- 9) Are there any other proposed rulemakings pending on this Part? No.

- 10) Statement of Statewide Policy Objectives (if applicable): This is not applicable to this rulemaking.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
TTY: (217) 785-9301

If because of physical disability you are unable to put comments into

DEPARTMENT OF REHABILITATION SERVICES

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writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rule begins on the next page:

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 679

DETERMINATION OF NEED (DON) AND RESULTING SERVICE COST MAXIMUMS (SCMs)

Section

679.10 General Provisions

679.20 Composition of the DON

679.30 Scoring of the DON Except for Respite Cases

679.40 Scoring the DON for Respite Cases

679.50 Service Cost Maximums (SCMs)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 18 Ill. Reg. _____, effective _____.

Section 679.10 General Provisions

- a) The DON, pursuant to 89 Ill. Adm. Code 676.30(d), is the assessment tool used to determine an individual's non-financial eligibility for HSP services based on the individual's impairment in the completion of the activities of daily living (ADLs) (Part A) and the individual's need for care that is not met by existing family and other resources (Part B). This assessment is made to determine whether or not the individual is at imminent risk of institutionalization, and therefore eligible for placement in a hospital/nursing facility and/or services through HSP.
- b) If the individual receives at least the minimum DON score to be considered eligible for institutional placement or HSP services (see 89 Ill. Adm. Code 682), the DON score relates to a specific Service Cost Maximum (SCM) that may be expended on services for an individual who chooses HSP services as an option to institutionalization (see Section 679.50).

Section 679.20 Composition of the DON

The DON is comprised of three sections which are:

- a) the Mini-Mental Status Examination section, as developed by the University of Illinois - Chicago, School of Public Health, which is used to determine the individual's cognitive functioning, and therefore the ability to adequately respond to his/her functioning capacity in the completion of the DON. This section shall not be administered to individuals who are under 12 years of age, or who have a diagnosis of developmentally disabled;
- b) Part A which measures the individual's need for care in the completion

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- of ADLs; and
- c) Part B which measures the individual's unmet need for care in the completion of ADLs.

Section 679.30 Scoring of the DON Except for Respite Cases

- a) An individual receiving a 14 or more on the mini-mental state section shall receive "0" points towards his/her column A score. An individual receiving less than 14 points shall receive an additional "10" points added to his/her column A score for the determination of eligibility and a SCM.
- b) The remaining two sections of the DON measure the individual's ability to complete the ADLs. The ADLs are specifically: eating, bathing, grooming, dressing, transferring, incontinence care, preparing meals, being alone, telephoning, managing money, routine health care tasks (or those health care tasks not requiring specialized training), specialized health care tasks (or those requiring assistance from trained medical practitioners), necessary travel outside the home, laundry, and housework.

- 1) Part A of the DON measures the individual's need for assistance in the completion of each of the ADLs on the following rating scale.

A) "0" - the individual can perform all essential components of the ADL with or without an existing assistive device;

B) "1" - the individual can perform most of the ADL, with or without an existing assistive device, but requires some supervision and/or assistance to ensure the task is fully completed;

C) "2" - the individual requires a great deal of supervision and/or assistance, with or without existing assistive devices, in the completion of the essential components of the task; and

D) "3" - the individual cannot perform any of the essential components of the task, with or without existing assistive devices and requires constant supervision and/or assistance.

- 2) Part B of the DON measures the individual's unmet need for care in the completion of the ADLs on the following scale.

A) "0" - the individual has no unmet need for care in that the individual needs no assistance in completion of the essential components of the task, or family and/or other resources already provide for this task;

B) "1" - the individual's need for assistance in the completion of the task is met at least 50% of the time, and, without periodic assistance, there is a risk to the individual's health and safety;

C) "2" - the individual's need for assistance in the completion of the task is met less than 50% of the time and, without assistance, there is moderate risk to the individual's health and safety; and

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- D) "3" - the individual's need for assistance in the completion of the task is seldom (less than 10% of the time) or never met and, without assistance, there is extreme risk to the individual's health and safety.

- c) In administering the DON for children, the assessor should ensure the ratings given reflect limitations due to the individual's disability and not the individual's age, and/or the additional burden placed on the caregiver.

- 1) On Part A, determine if a child of the individual's age should be able to complete all or part of the task. If the inability to perform the task relates only to the individual's age, a score of "0" should be given. Otherwise, score "1", "2", or "3" according to the individual's impairment level.

- 2) On Part A, determine the additional burden placed on a caregiver providing the service. If, because of the individual's age, there is no increased burden, a score of "0" should be given. If there is an increased burden on the caregiver due to the individual's disability, score "1" "2", or "3" according to the increased level of burden in providing the task.

Section 679.40 Scoring the DON for Respite Cases

In order to be eligible for respite services, the individual must receive 29 points in Part A of the DON, which includes the 10 points from the Mini-Mental Examination, as appropriate. No points are necessary in Part B as respite services are to provide relief to a caregiver who normally provides all care for an individual which is at no cost to DHS.

Section 679.50 Service Cost Maximums (SCMs)

- a) For each individual meeting the minimum required DON scores for eligibility (see 89 Ill. Adm. Code 682), there is a corresponding Service Cost Maximum (SCM) for his/her DON score which is the maximum amount that may be expended for services through HSP for an individual who chooses HSP services over institutionalization. This amount is directly correspondent to the amount the State would expect to pay for nursing care component of institutionalization if the individual chose institutionalization.

- b) As of July 1, 1991 the SCMs for individuals served under the HSP Medicaid Waiver are:

| Total DON Score | SCM |
|-----------------|--------|
| 29 through 32 | \$ 644 |
| 33 through 40 | 804 |
| 41 through 49 | 893 |
| 50 through 59 | 1,070 |
| 60 through 69 | 1,258 |
| 70 through 79 | 1,360 |

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

80 through 100

1,462

- c) As of October 1, 1990 the SCMs for individuals served under the AIDS Medicaid Waiver are:

| Total DON Score | SCM |
|-----------------|--------|
| 29 through 32 | \$ 900 |
| 33 through 40 | 1,350 |
| 41 through 49 | 1,800 |
| 50 through 59 | 2,250 |
| 60 through 69 | 2,700 |
| 70 through 79 | 3,150 |
| 80 through 100 | 3,600 |

- d) The SCM for individuals served through the Medicaid Waiver for Ventilator Assisted Individuals shall be no higher than the comparable institutionalized cost of care for the individual, less the costs for equipment and supplies.

- e) The SCM for an individual may be exceeded on a monthly basis to meet a temporary increase in need for services as long as the average monthly cost for services during the twelve month period does not exceed the SCM. Such an increase in services shall not last more than 3 months.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Disposition of Application

- 2) Code Citation: 89 Ill. Adm. Code 693

- 3) Section Numbers: Proposed Action:
 693.100 Repealed
 693.200 Repealed
 693.300 Repealed

- 4) Statutory Authority: Implementing and authorized by Section 3(g) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1988, ch. 23, par. 3434(g)) [20 ILCS 2405/3(g)].

- 5) A Complete Description of the Subjects and Issues Involved: In order to reorganize and clarify the Administrative Rules for the Home Services Program, all current Administrative Rules are being repealed and all new Administrative Rules are being proposed.

The proposed Administrative Rules do not reflect programmatic changes, rather just clarification and consolidation of the program provisions.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this rulemaking contain incorporations by reference? No.

- 9) Are there any other proposed rulemakings pending on this Part? No.

- 10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
 TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Repealer begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 693

DISPOSITION OF APPLICATION
(REPEALED)

Section

693.100 Eligibility Determination Time Frames
693.200 Notification of Eligibility Determination
693.300 Client Role in Eligibility Determination Process

AUTHORITY: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1988 Supp., ch. 23, par. 3434(g)).

SOURCE: Adopted and codified at 7 Ill. Reg. 31, p. 8844, effective July 18, 1983; amended at 8 Ill. Reg. 15621, effective August 17, 1984; amended at 13 Ill. Reg. 16555, effective October 10, 1989; Part repealed at 18 Ill. Reg. _____, effective _____.

Section 693.100 Eligibility Determination Time Frames

- a) A formal eligibility determination for the Home Services Program (HSP) shall be completed within 60 calendar days following the date the Department receives a completed application. This sixty day time limit may be extended by any third party delay or any delay caused by the client, for example when the client has been expected to provide information within a prescribed number of days (no fewer than 7 days) following a written request by the Department, and the client fails to meet this time line.
- b) When the disposition of an application cannot be made within 60 days due to a third party or client delay, an eligibility determination must be made no later than 105 days from the date of application based on information available.

Section 693.200 Notification of Eligibility Determination

A copy of the signed Service Plan (IL 488-1049), the official notification of eligibility, shall be mailed or otherwise provided to the client within 60 calendar days following the date of application. This 60 day time limit may be extended by any delay caused by the client or third party up to 105 days from the date of application. Clients found ineligible will be apprised of their appeal rights in this notice.

Section 693.300 Client Role in Eligibility Determination Process

Per 89 Ill. Adm. code 680.100, a client is responsible to cooperate in

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

providing information necessary to make an eligibility determination. The application for services may be denied if eligibility cannot be documented due to the following reasons:

- a) The client refuses to give consent for release of information and needed information is not made available.
- b) The client cannot be located, and local office staff attempts to locate the client via phone, a home visit, messages, collateral contacts named by the client, and the post office have failed.
- c) The client's location is known, but the client was not at home at the previously arranged appointment times of two attempted home visits.
- d) The client fails to cooperate in the verification process and needed information is not made available.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

1) Heading of the Part: Eligibility

2) Code Citation: 89 Ill. Adm. Code 682

3) Section Numbers: Proposed Action:

| | |
|---------|-----|
| 682.10 | New |
| 682.100 | New |
| 682.200 | New |
| 682.210 | New |
| 682.220 | New |
| 682.230 | New |
| 682.240 | New |
| 682.250 | New |
| 682.260 | New |
| 682.300 | New |
| 682.400 | New |
| 682.410 | New |
| 682.500 | New |
| 682.510 | New |
| 682.520 | New |

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) A Complete Description of the Subjects and Issues Involved: In order to reorganize and clarify the Administrative Rules for the Home Services Program, all current Administrative Rules are being repealed and all new Administrative Rules are being proposed.

The proposed Administrative Rules do not reflect programmatic changes, rather just clarification and consolidation of the program provisions.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rulemaking contain incorporations by reference? No.

9) Are there any other proposed rulemakings pending on this part? No.

10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

Ms. Susan Warrner, Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, Illinois 62794-9429

Telephone number: (217)785-3896
 TTY: (217)785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rule begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
 SUBCHAPTER d: HOME SERVICES PROGRAM

PART 682
 ELIGIBILITY

SUBPART A: GENERAL APPLICABILITY

Section
 682.10 General Applicability

SUBPART B: NON-FINANCIAL ELIGIBILITY CRITERIA

Section
 682.100 General Eligibility Criteria

SUBPART C: FINANCIAL ELIGIBILITY CRITERIA

Section
 682.200 Assets Limitation
 682.210 Transfer of Assets
 682.220 Exempt Assets
 682.230 Assets Held in Joint Ownership
 682.240 Income Allowances
 682.250 Cost Sharing Provisions
 682.260 General Exceptions to Cost Share Provisions

SUBPART D: EFFECT OF OTHER SERVICES ON HSP

Section
 682.300 Effect of Other Services on HSP

SUBPART E: REDETERMINATION OF ELIGIBILITY

Section
 682.400 Redetermination Requirements
 682.410 Redetermination Time Frames

SUBPART F: GRANDFATHERING PROVISIONS

Section
 682.500 Exceptions to Eligibility Standards
 682.510 Exceptions to Cost Sharing Provisions
 682.520 Exceptions to Service Cost Maximums

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

SOURCE: Adopted at 18 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL APPLICABILITY

Section 682.10 General Applicability

In order to receive services through HSP, an individual must meet all non-financial eligibility criteria and financial eligibility criteria as listed in this Part.

SUBPART B: NON-FINANCIAL ELIGIBILITY CRITERIA

Section 682.100 General Eligibility Criteria

In order to receive services through HSP an individual must:

- a) be a citizen of the United States, or be an individual who is living permanently in the United States after having been legally admitted;
- b) as of October 1, 1991, have applied for, be a recipient of, or found eligible for a Spend Down through Medicaid benefits through DPA and within 60 days of the date of application for HSP provide verification to the HSP counselor of the aforementioned. However, an individual is not required to meet the eligibility criteria for Medicaid to receive benefits, nor is Medicaid eligibility or verification of application required to receive Interim Services (see 89 Ill. Adm. Code 682). Individuals having applied for HSP services prior to October 1, 1991, may chose to apply for Medicaid;
- c) be a resident of the State of Illinois;
- d) be under the age of 60 at the time of application for HSP services, unless the individual is applying for services under the Medicaid Waiver for Persons with AIDS in which case there is no age criteria for application;
- e) have a severe disability which is expected to last for at least 12 months or for the duration of life;
- f) be an individual with a disability who is in need of long-term care, as determined by the DON score completed as a result of a prescreening (89 Ill. Adm. Code 679) or application for HSP services. In order to be determined to have met this criteria, the individual must receive a DON score of at least 15 points on part A, which includes, if applicable, the 10 points from the Mini-Mental Examination, with a total DON score of at least 29 points;
- g) obtain certification from a physician, with DORS assistance, that the individual is in need of long-term care and this care can safely and adequately be provided in the individual's home as provided on the HSP Service Plan developed for the individual;
- h) not require in-home services that are expected to cost more than the cost the State would pay for institutional care for an individual with a similar DON score.

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SUBPART C: FINANCIAL ELIGIBILITY CRITERIA

Section 682.200 Assets Limitation

- a) Adult customers, age 18 years or above, may have no more than \$10,000 in customer-only non-exempt assets in order to receive services through HSP.
- b) Minor customers, those under 18 years, may have no more than \$30,000 in total family non-exempt assets. In order to determine total family assets, the customer and all other individuals who contribute to the family unit, or rely on the family unit for support shall be counted.

Section 682.210 Transfer of Assets

If an individual applying for services has transferred or sold non-exempt assets within the calendar year prior to application for services, he/she must certify that he/she received fair market value for the assets. If less than fair market value was received, the difference between the amount received for the asset and the fair market value of the asset will be used in determining the individual's assets for the purpose of Section 682.200.

Section 682.220 Exempt Assets

For the purpose of determining the amount of the individual's assets, as described in Section 682.200, the following assets shall be considered to be exempt and not counted:

- a) the individual's primary residence, including its furnishings and contents and all contiguous property on which it is situated;
- b) vehicles, except those used primarily for recreation;
- c) personal property;
- d) business or farming equipment which is necessary for the production of income;
- e) life insurance including:
 - 1) group life insurance held as a condition of employment or provided by an employer;
 - 2) a prepaid burial plan with a value of up to \$1,500; and/or
 - 3) any life insurance policy with cash value, or redeemable face value of \$2000, or less; and
- f) the principal of a trust if the trust document establishing the trust specifically states the principal cannot be impaired. HSP administration must be involved in any determination involving trust funds.

Section 682.230 Assets Held in Joint Ownership

- a) If an asset is held in joint ownership with a non-spouse, the percentage of the asset owned by the individual shall be used to determine its value.
- b) Assets held jointly by spouses will be considered joint assets and the

DEPARTMENT OF REHABILITATION SERVICES

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value divided equally unless a written legal agreement exists which divides the asset(s). In the case where a legal agreement exists, only the share owned by the individual shall be counted as an asset.

Section 682.240 Income Allowances

The individual and his/her family must meet the income guidelines for the program or the individual will be required to participate in the cost of services (see Section 682.250).

Section 682.250 Cost Sharing Provisions

- a) If the individual and his/her family have income in excess of the income guidelines for a family the size of the individual's, the individual must participate in the cost of services in order to receive services through HSP.
- b) The amount of the cost share shall be 25% of the excess income of the family unit, less all disability related expenses (e.g., cost of special medical supplies, which are directly related to the individual's disability, etc.) applicable to the customer.
- c) Excess income shall be determined by adding all income for the family unit and subtracting the standard budget allowance for a family of that size. Any positive amount which results from this equation shall be considered as excess income for the purpose of determining the cost share amount.

Section 682.260 General Exceptions to Cost Share Provisions

No cost sharing shall be required if the individual:

- a) has applied for Medicaid benefits through DPA and has provided documentation verifying application for such benefits to the counselor;
- b) has been determined eligible to receive Medicaid benefits;
- c) has had a Medicaid Spend Down established;
- d) is a recipient of SSI benefits; or
- e) is receiving only respite services (89 Ill. Adm. Code 676.30(i)).

SUBPART D: EFFECT OF OTHER SERVICES ON HSP**Section 682.300 Effect of Other Services on HSP**

- a) An individual cannot receive services through HSP if he/she is receiving services through any of the following program:
 - 1) Department of Mental Health and Developmental Disabilities:
 - A) Community Residential Alternatives (CRA);
 - B) Community Independent Living Arrangement (CILA);
 - C) Home Individualized Program (HIP);
 - D) Specialized Home Program (SHP); or
 - E) Community Habilitation Services (CHS);

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- 2) Department on Aging's Community Care Program; and/or
- 3) Division of Specialized Care for Children (DSCC) Waiver Program for Children, with the exception of those transitioning from DSCC to HSP, who are ages 18-21 years may receive limited PA services during the transition from DSCC to HSP.

- b) If an individual is receiving services through a program listed in (a), above, he/she must terminate those services prior to the time any services may be provided through HSP, pursuant to Medicaid regulations.

SUBPART E: REDETERMINATION OF ELIGIBILITY**Section 682.400 Redetermination Requirements**

All individuals receiving services through HSP must have eligibility redetermined and must continue to meet all eligibility criteria as stated in Subparts B and C of this Part to continue to receive services through HSP.

Section 682.410 Redetermination Time Frames

- a) Any individual served under the standard Medicaid Waiver shall have his/her eligibility redetermined whenever there is a change in his/her condition or situation that may affect his/her continued eligibility, but if no such change, at least every twelve months.
- b) Any individual served under the Medicaid Waiver for Persons with AIDS shall have his/her eligibility redetermined whenever there is a change in his/her condition or situation that may affect his/her continued eligibility, but if no such change, at least ever six months.

SUBPART F: GRANDFATHERING PROVISIONS**Section 682.500 Exceptions to Eligibility Standards**

An individual who was receiving planned services through HSP prior to July 17, 1983, and has remained in a continuous active status since that time, and meets the current minimum DON point requirements may:

- a) have a planned service cost above the SCM established for that customer's DON score as established July 17, 1983;
- b) not have his/her cost share amount increased, as long as services remain at the same levels as prior to July 17, 1983, unless the customer chooses to cost share at a higher level; and
- c) have more than \$10,000.00 in non-exempt, customer-only assets.

Section 682.510 Exceptions to Cost Sharing Provisions

An individual whose case was in an active status on or before April 1, 1987, and whose case has remained in an active status since that time with a cost share of less than 25% of excess income (89 Ill. Adm. Code 682.240(c)) may continue to cost share at the lower percentage, unless the customer chooses to

DEPARTMENT OF REHABILITATION SERVICES

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are at a higher rate.

Section 682.520 Exceptions to Service Cost Maximums

- a) If the established SCM for a case is exceeded due to a provider rate increase, the individual may continue to receive the same amount of services even though the SCM will be exceeded.
 - b) If an increase in services is indicated, services must stay within the established SCM for the case, regardless of the impact of provider rates.
- Cases involving ventilator dependent individuals whose need for care cannot be met by the SCM may have a rate established by Department of Public Aid (DPA) per 89 Ill. Adm. Code 684.70(c).

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Financial Eligibility Criteria

- 2) Code Citation: 89 Ill. Adm. Code 687

- 3)

| | |
|-------------------------|-------------------------|
| <u>Section Numbers:</u> | <u>Proposed Action:</u> |
| 687.10 | Repealed |
| 687.100 | Repealed |
| 687.200 | Repealed |

- 4) Statutory Authority: Implementing and authorized by Section 3(g) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1989, ch. 23, par. 3434(g)) [20 ILCS 2405/3(g)].

- 5) A Complete Description of the Subjects and Issues Involved: In order to reorganize and clarify the Administrative Rules for the Home Services Program, all current Administrative Rules are being repealed and all new Administrative Rules are being proposed.

The proposed Administrative Rules do not reflect programmatic changes, rather just clarification and consolidation of the program provisions.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this rulemaking contain incorporations by reference? No.

- 9) Are there any other proposed rulemakings pending on this Part? No.

- 10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Repealer begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 687

FINANCIAL ELIGIBILITY CRITERIA
(REPEALED)

Section
687.10 Applicability
687.100 Income
687.200 Assets

AUTHORITY: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, par. 3434(g)).

SOURCE: Adopted and codified at 7 Ill. Reg. 8877, effective July 18, 1983; amended at 11 Ill. Reg. 7404, effective April 1, 1987; amended at 11 Ill. Reg. 7743, effective April 1, 1987; amended at 11 Ill. Reg. 11807, effective July 1, 1987; amended at 15 Ill. Reg. 7354, effective April 25, 1991; amended at 15 Ill. Reg. 16984, effective November 12, 1991; Part repealed at 18 Ill. Reg. _____, effective _____.

Section 687.10 Applicability

Beneficiaries of Medicaid (see 89 Ill. Adm. Code 120) , persons applying for Medicaid pursuant to 89 Ill. Adm. Code 685.150, and beneficiaries of the federal Supplemental Security Income Program are exempt from the rules contained within Section 687.100.

Section 687.100 Income

- a) For all determinations of income, consider only non-exempt income, where the non-exempt income is actually received. Non-exempt income may be earned or unearned.
- b) Income for Eligibility Purposes
There is no income eligibility for the Home Services Program (HSP).
- c) Income for Cost Sharing Purposes
 - 1) The non-exempt income of clients and their legally responsible relatives as defined in 89 Ill. Adm. Code 687.100(e) and (f) shall be applied to the following Family Income Table:

| | | | | | |
|---------------------------|-------|-------|-------|-------|--------------------|
| Family Size: | 1 | 2 | 3 | 4 | 5 or more |
| Protected Monthly Income: | \$524 | \$786 | \$888 | \$990 | add \$102 for each |

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additional
person

- 2) The protected income level shown in the Family Income Table is considered to be necessary to meet the client and family needs. Non-exempt income above this amount is considered Excess Income which is available to meet some or all of the service needs of the client on the basis of the cost sharing formula. The income of family or others who are not considered legally responsible relatives or dependents is not considered.

d) Client Cost Sharing Formula

- 1) Clients who are determined to have Excess Income must participate in the cost of HSP services and sign a Cost Share Agreement (IL 488-0326). The cost share amount is 25% of the client's Excess Income. However, if a client is receiving HSP services prior to July 1, 1987, and if his/her cost share amount is less than 25% of Excess Income, that percentage of Excess Income shall remain unchanged when determining the cost share dollar amount in subsequent annual reassessments. Client-only disability related expenses paid out of pocket are deducted from the recipient's share of the cost services. Disability related expenses include prescription drugs, supplies, assistive equipment, and hospital/medical bills.

- 2) The client cost share is to be paid directly by the client to the designated service provider(s) in the HSP service plan, who must also sign a Cost Share Agreement, where it is the responsibility of the service provider to secure the designated cost share amount from the client. The service provider retains the right to refuse to provide services if the client has failed to pay the cost share amount but the service provider should first request the assistance of local office staff in securing this payment.

- 3) If the amount of cost sharing exceeds the service cost, a client remains eligible, if he or she desires to receive indirect services through HSP local office staff such as assistance in locating service providers, or assistance in applying for benefits of other programs. However, HSP shall pay for direct services only in the amount of the HSP service cost minus the client cost share.

- 4) Since the HSP service cost is based on a service plan that is designed to meet only the essential client needs for remaining in the home rather than in a nursing home or other institution, the total service plan must be provided. If a client fails to participate in required cost sharing, the client's health and well-being may be jeopardized. HSP cannot unnecessarily undertake the responsibility or liability for clients who do not cooperate in this manner. Therefore, if a client fails to cost share in the prescribed manner, the following actions may occur:

- A) The client's service provider may cease providing services due to lack of payment, in which case they will notify the

DEPARTMENT OF REHABILITATION SERVICES

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local office staff. Since the location of a service provider is essential to the provision of HSP services, if another service provider cannot be located, the case will be closed.

- B) The client's service provider may provide only those services paid by HSP. HSP local office staff will review the service plan to determine if it represents only essential service needs. If it does not, it will be revised and a new client cost share amount will be required. In addition, client and family income will be reviewed for accuracy, and local office staff will provide the client with the counseling necessary to elicit client cooperation in the cost sharing plan.

- C) If the client's health and well being are jeopardized by the continued client or family failure to participate in cost sharing, the client's physician will be consulted to determine if HSP service provision can continue to be certified by the physician. If the physician no longer certifies HSP care, the case will be closed.

- 5) The cost share amount will be calculated only at the following times:

- A) presumptive eligibility determination;
 - B) initial formal eligibility determination;
 - C) formal eligibility redetermination at least annually (see 89 Ill. Adm. Code 698.100 for frequency of redeterminations); and
 - D) change of financial eligibility.
- 6) The cost share amount can never exceed the cost of services provided in a given month.
- 7) All changes of the cost share amount require a new Cost Share Agreement.

e) Definition of Legally Responsible Family

- 1) Legally responsible relatives are defined as the spouse, or the parents for children through age 20. These relatives must reside with the client unless the client is a student.

- 2) Do not count parent's income for dependents 21 years of age or older. Parents are not considered legally responsible relatives for children who are age 18 or above who have established "independent living arrangements." An "independent living arrangement" is the establishment of a separate residence. It may also include children who reside in the same household with their parents but who contribute more than one-half of their cost of housing, food and other expenses.

- 3) Students, defined under 89 Ill. Adm. Code 101.20, are not considered to have an independent living arrangement unless the parents contribute less than half of the educational and living costs of the students.

- 4) In certain situations, a client's parents may be legally responsible for the client but the client also has his own

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dependents (spouse/children) for whom the client is legally responsible, but for whom the client's parents are not legally responsible.

f) Definition of Family Size

- 1) Family size includes the client's spouse and children, if living together, or client's parents and siblings if parents are considered legally responsible relatives and are living with the client.
- 2) A client's children are included only through age 20 and are not included if they are age 18 and they have established an independent living arrangement; a client's siblings are included only if parents are considered the client's legally responsible relatives and the siblings are under age 21 and have not established an independent living arrangement.
- 3) Where the client has parent(s) who are legally responsible for the client, and also has the client's own spouse/children for whom client's parents are not responsible, two different family sizes are involved: that of the client's parents/siblings; and that of the client and his spouse/children. For purposes of cost sharing, the income and size of each of these family units is used to determine two different cost share amounts, both of which the client or his authorized representative (see 89 Ill. Adm. Code 683.700(a)) is responsible to pay. However, the client's income is included only with that of the spouse/children.

g) Income Determination

Monthly earned and unearned income of a client is determined at the time of initial and continuing eligibility determinations on the basis of income anticipated to be received during the 12 month eligibility period. This amount is determined by calculating the average monthly non-exempt earned income received by the client in the prior four month period, or if the averaged monthly income is at variance with the income expected to be received, on the anticipated income as reported by the client and documented or verified. All income is to be converted into monthly amounts.

h) Non-Exempt Earned Income

- 1) Earned income is remuneration acquired through the receipt of salaries or wages for services performed as an employee or profits from an activity in which the individual is self-employed.
- 2) The following recognized expenses of employment shall be deducted from gross earned income to determine Non-Exempt Earned Income:
 - A) withholding taxes (federal and state);
 - B) Social Security tax;
 - C) transportation by the most economical means, not to exceed 24 cents per mile;
 - D) special tools and uniforms required by employment;
 - E) union dues;*
 - F) group life insurance premiums;*
 - G) group health insurance premiums; * and

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H) retirement plan withholding*

AGENCY NOTE:

- * Only if mandatory as a condition of employment
- 3) When the individual is self employed, accurate and complete records shall be kept on all monies received and spent through self-employment. If the individual fails or refuses to maintain complete business records, the client shall be ineligible for HSP.

A) Business expenses shall be documented or verified. The individual shall have full responsibility for proof of any business expense.

B) The net income shall be the gross remaining after the replacement of stock and business expenses have been considered, and the appropriate employment expenses have been deducted. The earned income exemption, if applicable, shall be computed on the net income.

4) Money paid by roomers and/or boarders to an individual who represents himself as being self-employed in the business of renting rooms shall be considered earned income.

5) Income which a client receives from rental property shall be considered earned income.

A) When determining net income, the reasonable and necessary rental expenses which the client incurs in the production of income may be deducted from the gross income. Reasonable and necessary rental expenses include repairs, taxes, insurance, mortgage payments, and utilities, if the landlord pays them.

B) After deduction of rental expenses, appropriate employment expenses (see subsection (h)(2)) shall be deducted to determine net rental income.

6) The following payments from the Illinois Department of Children and Family Services shall be considered Non-Exempt Earned Income:

- A) foster care intensive service for payment;
- B) foster care monthly retainer for payment;
- C) adoption subsidies; and
- D) independent living arrangement payments to wards not living in foster homes.

7) Income received by individuals enrolled in on-the-job training programs through the Job Training Partnership Act (JTPA), 29 U.S.C. 801 et seq., work experience programs through JTPA, and Public Service Employment programs through JTPA shall be considered earned income. The recognized employment expenses (see subsection (h)(2)) shall be deducted, and certain earnings (see 89 Ill. Adm. Code 687.100(k)(4)) shall be exempt, but all remaining earnings shall be considered non-exempt.

8) Income from Earned Income Credit is considered earned income.

i) Non-Exempt Unearned Income

Unearned income is all income other than that received in the form of salary for services performed as an employee or profits from

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self-employment. The following unearned income is non-exempt:

- 1) All currently available unearned income which is not specified as exempt shall be considered non-exempt.
- 2) Earmarked income is income restricted for the use of a specified individual by court order, or by legal stipulation of a contributor. Earmarked income shall be considered available only for the needs of the specified individual.

j) Protected Income

Supplemental Security Income (SSI) is protected income and is not included in Non-Exempt Income. An SSI lump sum payment is exempt income. The monies must be separately identifiable to be exempt.

k) Exempt Earned Income

- 1) Earned Income In-kind
 - A) Earned income in-kind is remuneration received in a form other than cash for services performed. Such remuneration shall include, but is not limited to, housing, food (except meals provided while working), satisfaction of a debt, or a service provided by the employer for the employee.
 - B) Earned income-in-kind shall be exempt.
- 2) Income received under the following four JTPA Programs established by the Youth Employment and Demonstration Projects Act of 1977 (29 U.S.C. 802, 803, 845, 872, 891 et seq., 962, 968, 981, and 993 et seq.) is exempt:
 - A) The Youth Incentive Entitlement Pilot Projects;
 - B) The Youth Community Conservation and Improvement Project;
 - C) The Youth Employment Training Programs; and
 - D) The Youth Adult Conservation Corps

1) Exempt Unearned Income

- 1) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
- 2) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
- 3) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636);
- 4) Any per capita judgment funds paid under P.L. 92-254 to members of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana and the Gros Ventre tribe of the Fort Belknap Reservation, Montana (25 U.S.C. 1264);
- 5) Any benefits received under Title III, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 U.S.C. 3030e);
- 6) Any compensation provided to individual volunteers under the Retired Senior Volunteer Program and the Foster Grandparent Program and Older Americans Community Service Programs established under Title II of the Domestic Volunteer Service Act, as amended (42 U.S.C. 5001 et seq.);
- 7) Income in an amount not greater than \$650 received by a beneficiary of life insurance which is expended on the funeral and burial of an insured recipient;

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- 8) Income received under the provisions of Section 4(c) of the "Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act". (Ill. Rev. Stat. 1989, ch. 67, par. 404(c)). This includes both the benefits commonly known as the "circuit breaker" and "additional grants";
- 9) Payments to volunteers under the 1973 Domestic Volunteer Service Act. (48 U.S.C. 5044 (q)) These include:
 - A) Volunteers in Service to America (VISTA) volunteers;
 - B) volunteers serving as senior health aids, senior companions, or foster grandparents;
 - C) persons serving in the Service Corps of Retired Executives (SCORE) or the Active Corps of Executives;
- 10) Social Security death benefit expended on a funeral and/or burial;
- 11) The value of home produce which is used for personal consumption;
- 12) The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, (42 U.S.C. 1780 (b)) and the special food service program for children under the National School Lunch Act, as amended. (42 U.S.C. 1760);
- 13) Any payments distributed per capita or held in trust for members of any Indian Tribe under P.L. 92-254, 93-134 or 94-450. (25 U.S.C. 1470);
- 14) Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act. (43 U.S.C. 1626);
- 15) Experimental Housing Allowance Program payments made under Annual Contributions Contracts entered into prior to January 1, 1975 under Section 23 of the U.S. Housing Act of 1937, as amended (42 U.S.C. 1437 (f));
- 16) That portion of an educational benefit, including but not limited to grants, scholarships or work-study, which is actually used for items such as tuition, books, fees, equipment, and transportation, necessary for school attendance shall be exempt.

A) Veterans of Educational Assistance

Income from educational benefits paid to a veteran or to a dependent of a veteran shall be exempt only to the extent that it is applied toward educational expenses.

B) Social Security Administration (SSA) Benefits

Income received as an SSA benefit paid to or for an individual and conditioned upon the individual's regular attendance in a school, college or university, or a course of vocational or technical learning, shall be exempt to the extent that it is applied toward educational expenses.

C) Loans and Grants

Income from educational loans and grants obtained and used under conditions that preclude their use for current living costs shall be exempt.

- 17) Income from educational loans and grants made or insured under any program administered by the Federal Commissioner of Education is totally exempt whether the grant is paid directly to the

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schools or to the student. These loans and grants include the National Direct Student Loans, Basic Educational Opportunity Grants, Supplementary Educational Opportunity Grant, Work Study Grant, and the Guaranteed Loan Program.

18) The following incentive allowances shall be exempt:

- A) National Training Services Grant
Incentive payments which the Department of Rehabilitation Services (DORS) authorizes to be paid to disabled persons receiving categorical Public Assistance and enrolled in the National Training Service Project.
- B) Job Training Partnership Act (JTPA)
Incentive payments of thirty dollars per week to clients enrolled in JTPA training programs.

19) Unearned income in-kind is payment made by an individual on behalf of or in the name of the client, and shall be exempt. When the client shares a dwelling unit with another family or individual(s), the exchange of cash for the purposes of satisfying payment of shelter related obligations shall not constitute an income in-kind payment and shall not be considered available to meet the needs of the person who receives and disburses the shelter-related payment.

Section 687.200 Assets

a) Assets for Eligibility Purposes

To be eligible for HSP, a client may have non-exempt assets with a combined value of no more than \$10,000. Consideration shall not be given to the value of cash, property or other assets held in the name of the persons's spouse pursuant to a written agreement dividing material property into equal but separate shares or pursuant to a transfer of the person's interest in a home to his spouse, provided that the spouse's share of the marital property is not made available to the person seeking such services.

b) Definition of Exempt Assets

- 1) Homestead property
- 2) Clothing and personal effects
- 3) Household furnishings
- 4) Business or farming equipment essential for the production of income, e.g., tractors, combines, etc.
- 5) Motor vehicle(s) except those used more than half the time for recreational purposes.
- 6) Group life insurance held as a condition of employment or provided by employer
- 7) The principal of a trust fund only when the instrument establishing the trust specifically states the principal cannot be impaired.
- 8) One of the following:
 - A) Prepaid burial plan and/or other burial merchandise such as a crypt, vault, and/or lot with a total combined value of

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\$1500, or less; or

B) A non-exempt life insurance policy with a total face or cash value, whichever is less, not in excess of \$1,000. When both cash and face valued exceed \$1,000, apply cash value over \$1,000.

- 9) The value of the coupon allotment under the Food Stamp Act of 1977;
- 10) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
- 11) The value of supplemental food assistance received under the Child Nutrition Act of 1966 as amended, and the special food service program for children under the National School Lunch Act, as amended;

c) Other Exempt Assets

In addition to the above, the following assets are exempt. These assets remain exempt only so long as they can be separately identified if they are added to an existing account.

- 1) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, amended (42 U.S.C. 3045 et seq.);
- 2) Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4621 et seq.);
- 3) Any funds distributed per capita to or held in trust for members of any Indian tribe under P.L. 92-254, P.L. 93-134 or P.L. 94-540;
- 4) Tax-exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);
- 5) Experimental Housing Allowance program payments made under Annual Contributions Contracts entered into prior to January 1, 1975, under section 23 of the U.S. Housing Act of 1937, as amended (42 U.S.C. 1401 et seq.);
- 6) Effective October 17, 1975, receipts distributed to certain Indian Tribal members for marginal land held by the United States government.
- 7) Payments to volunteers under the 1973 Domestic Volunteer Service Act. These include:
 - A) VISTA Volunteers
 - B) Volunteers serving as senior health aides, senior companions, foster grandparents, or persons serving in the Service Corps of Retired Executives (SCOPE) and Active Corps of Executives (ACE)
- 8) Any grant or loan to any undergraduate student for educational purposes made or insured under any program administered by the Commissioner of Education;
- 9) The weekly incentive allowance made under Section 111 of P.L. 93-203, the Comprehensive Employment and Training Act of 1973;
- 10) Supplemental Security Income (SSI) lump sum payments
- 11) Income received under the provision of the Illinois "Senior

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Citizens and Disabled Persons Property and Relief Act". This includes both the benefits commonly known as the "circuit breaker" and the "additional grants."

d) Definition of Non-exempt Assets

- 1) All assets which are not specified as exempt including but not limited to real estate, personal property, and bank accounts, are to be considered as non-exempt.

2)

- A) Income tax refunds shall be considered available assets and are to be considered against the appropriate non-exempt asset limitation of the assistance unit. One-half of joint tax refunds shall be considered available for each individual.

- B) A client who declares that less than one-half of the joint income tax refund was received may claim an exception. Only the amount claimed to be received shall be considered.

e) Property Transfers

1) Definition

A transaction is considered a transfer of property when a client buys, sells, or gives away real or personal property. In addition, if a client changes the way real or personal property is held, this will be considered a transfer of property, as limited by 89 Ill. Adm. Code 687.200(e) (2) and (4).

2) Property Transfers Completed Within 2 Years Prior to the Date of Application

- A) Property transfers completed two years prior to the date of application for HSP shall be considered in determining eligibility. If a fair market value was not received, the client shall be ineligible for services unless the property be transferred for reasons other than to qualify for or increase the need for services, such as the repayment of debt or court order. Factors to be considered when making this determination include but are not limited to:

- i) the client's physical and mental condition at the time of transfer;
- ii) the client's financial situation at the time of transfer;
- iii) the client's need for services at the time of transfer;
- iv) changes in living arrangements at the time of transfer; and
- v) how soon after the transfer the client applied for services.

- B) A client who is determined ineligible due to property transfer may become eligible if the following occurs:

- i) The property is reconveyed to the client;
- ii) An adequate consideration is paid to the client where adequate consideration is defined as an approximation of the fair market value minus outstanding debt. Fair

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market value is determined by a licensed appraiser, the expense of which will not be borne by the Department.

3) Reporting of Property Transfers

It shall be the responsibility of the client to report all property transfers to the local office within five days of the transaction.

- A) If an unreported transfer of property was made by a client within two years prior to the date of the application or was made after the filing of the application but before services were authorized, and the client would have been ineligible for services on the basis of excess assets if the transfer had not been made, services shall be terminated.

- B) If the Department learns of an unreported property transfer within two years of the date it occurred, where it occurred no more than two years prior to the date of application, and it was made for no consideration or an inadequate consideration, or for a consideration which was not paid, the client must show the transfer was not made to qualify for or increase the need for services, but rather for reasons such as repayment of debt or court order.

- C) Any unreported transfer of real property made by a client shall be considered made to qualify for HSP when:

- i) the transfer was not recorded or registered; or
- ii) the deed, though recorded or registered, did not state the consideration; or
- iii) the consideration was inadequate or not paid.

4) Property Transfers to Obtain Care

- A) When the property transfer was made to obtain support or care, and the terms of the agreement are being met, only those items not included in the agreement may be met through HSP services.

- B) When it has been established that the property transfer was made to obtain support or care and this obligation still exists and the support or care is not being received, the client must seek legal guidance and assistance in an effort to enforce his claim before HSP services may be authorized, where the expense for such legal assistance will not be borne by the Department.

5) Transfers Which do not Affect Eligibility

- A) Involuntary transfers unless collusion on the part of the individual to cause a forced sale has been determined by the Internal Audit Division of the Department, and client eligibility is affected by the transfer.

- B) Transfers because of separation, divorce or other settlement if they are Court ordered or, if no Court order, if the client and his spouse divide the property in half.

- C) Transfers from an individual bank account to a joint bank account if the money continues to be used for the client's

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- D) Transfers of assets which are exempt at the time of transfer.

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- 1) Heading of the Part: Homemaker Rate Agreements

- 2) Code Citation: 89 Ill. Adm. Code 712

- 3) Section Numbers:
 712.100 Repealed
 712.200 Repealed
 712.300 Repealed
 712.400 Repealed
 712.1000 Repealed
 712.Appendix A Repealed

- 4) Statutory Authority: Implementing and authorized by Section 3(g) and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1989, ch. 23, par. 3434(g) and (k)) [20 ILCS 2405/3(g) and (k)].

- 5) A Complete Description of the Subjects and Issues Involved: In order to reorganize and clarify the Administrative Rules for the Home Services Program, all current Administrative Rules are being repealed and all new Administrative Rules are being proposed.

The proposed Administrative Rules do not reflect programmatic changes, rather just clarification and consolidation of the program provisions.

- 6) Will this rulemaking replace any emergency remaking currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this rulemaking contain incorporations reference? No.

- 9) Are there any other proposed remaking pending on this Part? No.

- 10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
 TTY: (217) 785-9301

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If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Repealer begins on the next page:

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 712
HOMEMAKER RATE AGREEMENTS
(REPEALED)

Section
712.100 Rate Agreement Language
712.200 Payment for Services
712.300 Compliance Requirements for Participation in Homemaker Service Program
712.400 Essential Components of Homemaker Services
712.1000 Homemaker Provider Standards
APPENDIX A Ratings Guide

AUTHORITY: Implementing and authorized by Section 3(g) and (k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, pars. 3434(g) and (k)).

SOURCE: Adopted at 8 Ill. Reg. 23698, effective November 28, 1984; amended at 13 Ill. Reg. 10643, effective June 15, 1989; amended at 15 Ill. Reg. 10185, effective June 24, 1991; Part repealed at 18 Ill. Reg. _____, effective _____.

Section 712.100 Rate Agreement Language

- a) Standardized language contained within the homemaker rate agreement (Agreement) between the Department of Rehabilitation Services (DORS) and homemaker service providers (hereafter referred to as Providers) shall be developed and implemented in conformance with the State Comptroller's Administrative Rules "Contract Content" (74 Ill. Adm. Code 290) and the "Illinois Purchasing Act" (Ill. Rev. Stat. 1989, ch. 127, par. 132-1 et seq.).
- b) In addition to the standardized language contained in the Agreement, DORS requires that Providers comply with the following stipulations:
 - 1) Liability
DORS assumes no liability for actions of the Provider. The Provider agrees to hold DORS harmless against any and all liability, loss, damage, cost or expenses arising from wrongful or negligent acts of the Provider, which DORS may sustain, incur or be required to pay as a result of Provider's performance.
 - 2) Monitoring, Evaluation and Audit
A) The Provider agrees to maintain such records as required by Section 712.300(e) of this Part. The Provider shall retain for five (5) years all records essential for audit verification.
B) The Provider agrees to assist DORS in its functions of

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monitoring and evaluating performances under the Agreement. Access will be provided by the Provider to those DORS employees or other persons, including federal officials and independent auditors who are authorized by the Director of DORS, for the purpose of reviewing all records, financial and programmatic, relating to the Agreement.

C) Monitoring shall include, but not be limited to, programmatic, fiscal and auditing review, and review for compliance with the non-discrimination requirements of the Agreement.

3) Availability of Funds

Obligations of the State will cease at the end of the fiscal year without penalty of further payment being required if in any fiscal year the Illinois General Assembly or federal funding source fails to appropriate or otherwise make available sufficient funds for this agreement.

4) Confidentiality

The Provider agrees that any information obtained concerning DORS' clients shall remain confidential as governed by DORS' rule "Confidentiality of Information" (89 Ill. Adm. Code 505).

Section 712.200 Payment for Services

a) DORS will pay the Providers in accordance with 89 Ill. Adm. Code 545.100(a)(1) and 89 Ill. Adm. Code 240.1910 for homemaker services authorized by DORS and rendered to persons who have been determined by DORS to be eligible as per 89 Ill. Adm. Code 685 "Non-Financial Eligibility Criteria" for the Home Services Program and in need of homemaker services (89 Ill. Adm. Code 700.300(c)). The Agreement in no way requires DORS to purchase any given number of hours of service. The Provider's obligation to render services and DORS' to pay for services rendered to any client is subject to the issuance of individual monthly authorizations by DORS for individual clients, pursuant to 89 Ill. Adm. Code 520.30 "Authorizations."

b) By the last working day of each month, the Provider shall submit to the local DORS' office a completed C-13 Invoice/Voucher and a group billing sheet (IL488-0305) for authorized services rendered to each client in the preceding month. All bills must be accompanied by a services report as specified in Section 712.300(e)(2)(D) for each client and a Home Services Program Agency Billing Statement (IL488-0328). The Provider shall attach a note to the Billing Statement when given approval from the DORS' counselor to exceed the amount specified on the Invoice Voucher. The Provider shall identify the date and name of specific DORS' staff who approved the increase. Payment shall not be made on bills not accompanied by this report. Payment shall be by State Warrant which must be approved by the Comptroller's office.

c) Services are provided directly to the eligible client in his/her home, or when accompanying the client out of his/her home for the purpose of

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escorting the client to medical appointments or other personal business necessary to maintain the client in the home. Service will be authorized and paid in increments of not less than a quarter hour, with the amount and duration of need to be determined by DORS pursuant to 89 Ill. Adm. Code 700.100(a) "Service Plan Development."

d) The authorization is all-inclusive and no further payment shall be made for Provider staff time spent in case conferences, travel time or other expenses incurred by the Provider in delivery of the service, except when DORS authorizes time for a homemaker to participate in staffings or attend court hearings, such payments will be made at the hourly rate.

Section 712.300 Compliance Requirements for Participation in Homemaker Service Program

In order to participate in the DORS' Home Services Program (HSP), the Provider agrees to meet the following minimum requirements. DORS shall review the Provider for compliance with the following requirements on an annual basis:

a) Organization and Administration
The Provider shall make available its articles of incorporation, or if unincorporated, shall provide a statement of purpose and functions. The Provider will make available, upon request, the names and addresses of owners, or officers and directors.

b) Audits

DORS reserves the right to audit all records and accounts pertinent to each Agreement at any time within five years after the final completion date of the Agreement. (See Section 712.100(b)(2)).

c) Insurance Coverage

1) Since DORS assumes no liability for actions of the Provider under the Agreement, the Provider shall have insurance coverage against any and all liability, loss, damage and/or expense from wrongful or negligent acts of the Provider. Any Provider providing medical or medically related services (i.e., home health, 89 Ill. Adm. Code 675) shall provide DORS with a copy of its Certificate of Insurance. The amount of insurance coverage shall be based on the types of homemaker services provided and the units of service (i.e. hours) provided. (See Section 712.100(b)(1).)

2) The Provider shall have written procedures for a client to report loss, damages, etc. arising from wrongful or negligent acts of its employees. Procedures shall include the client's contact with Provider regarding loss or damage and Provider action following notification.

d) Policies and Procedures

The Provider shall have written policies approved by its governing authority and available for review by consumers and purchasers of the service. Such policy shall cover at least:

1) Service Provided - Policy shall designate the type and scope of service provided. When more than one type of service is offered, there shall be a clear distinction between each type provided.

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- 2) ~~Money transactions~~ - The Provider shall have a two-way receipt system in which the client and homemaker are each receipted for each transaction when the contracting worker handles the client's money, food stamps or other negotiable items in the discharge of duties.
- 3) Personnel Policies - Personnel policies shall be in writing and adopted by the Provider's governing authority. Policies shall cover salary schedules, hours of work, sick leave, provision for handling grievances, and requirements for attendance at work conferences. There shall also be written job descriptions identifying required qualifications and duties for each job position.
- e) Records and Reports
- Reporting shall reflect information needed by the Provider to plan, budget, administer, interpret and evaluate the program, as follows:
- 1) Records shall be maintained for each referral and request for service and disposition of same.
 - 2) Client records shall include, at a minimum:
 - A) Dates and times service was provided and name of Provider employee providing service;
 - B) Dates and times of supervisor-homemaker weekly conferences;
 - C) A report of the semi-annual supervisor visit to at least one client per homemaker;
 - D) A monthly services report submitted to DORS. The report must include the following:
 - i) a summary of services provided during the preceding month,
 - ii) actual or anticipated changes in the client's status or condition (e.g., current or scheduled hospitalization or other absences from the home),
 - iii) problems related to the existing service plan,
 - iv) recommended changes to the service plan, and
 - v) all contacts with the DORS counselor regarding each case;
 - E) Copies of receipts of all money transactions between homemaker and client; and
 - F) Records of staffings (participants at the meeting, matters discussed and any recommendations made) as set forth in Section 712.40(c).
- 3) Administrative records shall include:
- A) Cumulative service statistics pertaining to the Agreement;
 - B) Attendance records for all homemaker staff;
 - C) Schedules for homemakers; and
 - D) Billing and payment records.
- 4) Personnel records shall include:
- A) Documentation of each individual's qualifications for the position held;
 - B) Wage rate and effective date;
 - C) Daily attendance records;

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- D) Probationary evaluations completed within the first six (6) months of initial employment, including ability to perform specific tasks and activities;
- E) Annual evaluations including each employee's ability to perform specific tasks and activities;
- F) Record of orientation and training programs, including the name(s) of instructor(s), dates and time of training;
- G) Record of sick leave and/or vacation earned and dates used; and
- H) If staff transports clients in their private automobiles documentation of automobile liability insurance of at least \$15,000 bodily injury per person with a minimum limit of at least \$30,000 per occurrence, and at least \$10,000 property damage insurance.
- 5) The above specified records shall be kept for at least five (5) years or until all State and Federal audits are completed. Authorized representatives of DORS and the United States Department of Health and Human Services shall have access to all records of the Provider, the parent company, subsidiary agency and other interlocking company(s) as they relate to this rate agreement. (See Section 712.100(b)(2))
- f) Staff Requirements and Qualifications
- At a minimum, the Provider shall have the following staff who are qualified as designated:
- 1) Executive Director or Administrator
 - A) There shall be a designated individual who has responsibility for administration of the homemaker service program. This person shall either have a bachelor's degree in a health, human services or related field (including, but not limited to, social or health science, or public administration), or be a health professional (i.e., registered nurse, home health care administrator, medical clinic administrator or any other health services administrator) or have one year of equivalent experience in a social service or health agency for each year of education being replaced, including at least one year of experience in a program serving people with disabilities. In those instances where the agency has more than one (1) local unit providing service, there shall be a designated individual in each local unit.
 - B) An existing Executive Director or Administrator must meet the above requirement or demonstrate continual progress towards meeting the educational requirements of subsection (A) above by current registration and evidence of successful completion of course work in an accredited junior college, college or university for at least two (2) semesters (or three quarters) of each academic year. (Successful completion means achievement of a grade of C or higher in undergraduate course work and a grade of B or higher in

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graduate course work.)

2) Supervisor

A) Homemaker supervisor(s) shall be required to have knowledge and skill equivalent to completion of four (4) years of college, with courses in social science, home economics or nursing plus one (1) year of related experience. If the supervisor has a high school diploma or general education diploma, plus health service experience including at least two years supervisory experience, those qualifications are also acceptable. They shall further have working knowledge of homemaking, home management techniques and methods, social casework principles, effects of physical and mental illness on individuals and families, and inter-personal relationships.

B) There shall be at least one (1) full-time supervisor for every twenty (20) full-time homemakers, or equivalent full-time homemakers. Full-time is thirty-five (35) or more hours per week and equivalent full-time is any number of hours whose work hours per week total thirty-five (35). However, if any duties of the Executive Director or Administrator, (Section 712.400(b)(1)), are delegated to a supervisor, the number of persons supervised is to be decreased proportionally to allow time for the supervisor to carry out these additional responsibilities.

3) Homemaker - Homemakers shall have: been determined by a physician to be in good health; knowledge and skill equivalent to completion of four (4) years of high school; experience as a homemaker, either in own home or employment; knowledge of nursing care, first aid and personal and environmental hygiene; knowledge of all areas of budgeting, housekeeping, nutrition, food preparation and clothing care.

g) Training and Staff Development

Homemaker(s) and supervisor(s) shall have at least the following training:

1) Orientation which shall include philosophy and purpose of homemaker service; function of homemaker service - preventive, protective, rehabilitative.

2) A minimum of twelve (12) hours of in-service training including disability awareness and Acquired Immunodeficiency Syndrome (AIDS) training annually directed towards increasing the homemaker's knowledge and strengthening their skills. Detailed records, supporting program training content and attendance at the training sessions, shall be maintained.

h) Self-Evaluation

1) The Provider shall have procedures for an annual self-evaluation of its service, including both program and case evaluation procedures.

2) The program evaluation shall consist of assessment of quality of service with specific recommendations to its governing authority

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for improving the service. Case evaluation procedures shall provide for assessment of the effectiveness of the service in individual case situations as viewed by both the client and the Provider.

i) Equal Employment Compliance

1) The Provider must comply with the following federal and state equal employment opportunity laws and regulations:

A) Title VI of the Civil Rights Act of 1964, (42 U.S.C. 2000 d).

B) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794).

C) Illinois Human Rights Act (Ill. Rev. Stat. 1989, ch. 68, pars. 1-101 et seq.).

2) The Provider must provide DORS with a letter assuring compliance with the standards set forth in this subsection.

3) A copy of the Provider's Affirmative Action Plan must be submitted to DORS.

Section 712.400 Essential Components of Homemaker Services

a) Service Description and Components

1) The Provider shall provide professionally directed home management and personal care services by trained and professionally supervised homemakers who direct and provide planned services in the homes of clients who require the supportive, protective or teaching functions of a professional (see subsection (b)(3)) because no responsible person (e.g., immediate family member or guardian) or trained person (trained by client, hospital or rehabilitation center to provide any level of care required by the client) is available for this purpose. The homemaker is employed as a provider staff member and works as a member of an agency team consisting of homemaker and supervisor.

2) Service shall include:

A) Teaching, performing, and/or assisting with household, financial and time management;

B) Teaching, performing, and/or assisting with meal planning and preparation and nutrition;

C) Preparation of meals and snacks in conformance with the diet prescribed by the client's physician, assisting with medical treatment plan, as appropriate, and accompanying client, when required, to source of medical care;

D) Personal care, and toileting including assisting the client with bathing and with mouth, skin and hair care which is not of a medical nature; and

E) Observing and reporting behavior and activity to assist DORS counselor in assessment and case planning.

3) The Provider agrees to provide homemaker service on an emergency basis when authorized by DORS (e.g., client loses homemaker due

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to illness of homemaker, unexpected hospital release with no homemaker service arranged or any other unforeseen circumstances). In such an emergency, the client or DORS shall contact the Provider by phone or in person.

4) The Provider shall respond to DORS' staff within 48 hours regarding the disposition of a referral for Homemaker Services. When DORS is notified by the client that the Provider did not respond, a different Provider shall be contacted, referrals shall cease to the previous Provider and the rate agreement shall not be renewed.

5) The Provider shall designate a contact person who shall be responsible for DORS' referrals when the individual listed on the Agreement as the designee is not the actual contact person.

6) The Provider shall notify DORS' staff if the homemaker is unable to provide regularly scheduled services for three consecutive days. This notification shall be by phone on the fourth day following the absence. Violation of this provision shall result in the procedures in subsection (a)(4) becoming effective.

b) Staff

The Provider shall have a sufficient number of qualified staff as set forth in Section 712.300(f) of this Part to meet the needs of cases accepted for service and to administer this service, including sufficient clerical support staff to maintain all required records and reports. Staff shall have the following responsibilities:

1) Executive Director or Administrator - The Executive Director or Administrator's responsibility shall include planning and administration of the program; assuring adequate staff, serving as liaison between staff and governing authority and between staff and community; implementing policies according to regulations which govern the program and recommending policy and program changes to the governing authority. The Executive Director or Administrator may also be responsible for recruitment and training of workers, as well as having responsibility for intake.

2) Supervisor - The homemaker supervisor(s) shall be responsible for:

- A) Accepting cases and assigning homemakers to each case;
- B) Evaluating the quality, quantity and direction of service that is needed for each client serviced by a homemaker;
- C) Preparing the homemaker's schedule and enforcing it, and notifying clients of any changes;
- D) Planning and preparing written notations of weekly conferences and quarterly supervisory meetings with each homemaker. Conferences shall include a discussion of homemaker activities, observations of the homemaker, progress toward established goals, guidelines for future homemaker activity, helping the homemaker work effectively in each assignment within the casework plan;
- E) Acting as a liaison between the homemaker, DORS, and any

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other agencies, arranging any necessary conferences with DORS and/or other agencies regarding client problems and progress, and arranging the most effective use of homemaker service, considering the overall plan for the family or individual;

F) Helping the homemaker develop appropriate skills and attitudes necessary to best serve clients;

G) Giving encouragement, support and recognition to homemakers;

H) Making semi-annual home visits to at least one client per homemaker to ensure that the services received by the client are satisfactory to the client and that the living conditions of the client are not substandard;

I) Preparing a written progress report for each home visit; and

J) Preparing monthly written service reports for each client (Section 712.300(e)(2)(D)).

3) Homemaker - Duties and responsibilities include:

A) Helping to establish household routines;

B) Teaching proper clothing care;

C) Performing routine housekeeping, such as making and changing of beds, dusting, washing dishes, vacuuming and keeping the kitchen and bathroom clean;

D) Instructing clients in budgeting; assisting in preparation of shopping lists, encouraging good buying practices, and purchasing food and other basic items if the client cannot;

E) Planning and preparing meals and special diets where necessary, attempting to conform to family dietary habits, and keeping in mind proper nutrition and the family's food allowance, encouraging the family to correct inadequate or poor dietary practices;

F) Giving non-medical personal care as needed - assistance with dressing, washing and bathing, care of teeth or dentures; demonstrating and instructing family members in good hygienic practices; may provide physical therapy under the supervision of medical personnel; may, at the doctor's request, assist with self-administered medication;

G) Accompanying client to doctor's office and other places as necessary to conduct personal business; may be required by the Provider to use own car;

H) Preparing a written report of each case served. Keeping daily records of activities, observations, progress toward goals and direct hours of service; and

I) Attending in-service training classes and staff conferences.

c) Staffings

The Provider shall participate in staffings with other agencies and professionals who are involved in the client's treatment plan. Conferences will be held, as requested, with DORS staff to review progress toward established goals and set new goals. Records of such staffings shall be maintained.

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Section 712.1000 Homemaker Provider Standards

Before DORS will establish an Agreement with a new Provider, DORS will request, and evaluate, the Provider's qualifications. The information required and the evaluation standards are specified in Appendix A of this Part. The submission of a Request For Qualifications (RFQ) does not commit DORS to pay costs incurred in the preparation of the RFQ response. If DORS does not receive a reply (the application and its attachments) from applicants within 30 working days of the date of the transmittal letter, the agency will not be considered for an Agreement. Within 60 working days of the receipt of an RFQ response, DORS will inform applicants, in writing, whether they are being considered for Agreement negotiations. Only applicants who have received the minimum number of points, pursuant to Appendix A of this Part, will be considered for Agreement negotiations. If an applicant is selected as a homemaker provider, notification will be sent in an award letter and the effective date for the Agreement will be at least 21 working days from the date of the letter. Agreements will be awarded to the agency with the highest score in a specific geographic area providing there is an established need for HSP Services (i.e., there is no current homemaker agency in the area, the agency provides additional hours not covered by existing Agreements, and current providers are not meeting the requirements of the Agreement.) Information required for this evaluation is:

- a) Service Delivery
 - 1) a scope of home services, as described in Section 712.400(b)(3), currently provided,
 - 2) responses to referrals within 48 hours,
 - 3) written billing procedures,
 - 4) back up systems and procedures for unexpected absences and to respond to client or HSP counselor complaints concerning services,
 - 5) comprehensive job descriptions, (i.e., any education and experience relative to an individual's position) as set forth in Section 712.400(b), for the Executive Director (or Administrator), Supervisor(s), and Homemaker(s),
 - 6) a ratio of one full-time supervisor for every 20 full-time or equivalent full-time homemakers, as set forth in Section 712.300(f)(2)(B), supervisory follow-ups (e.g., on-site visit or written correspondence as needed) and conferences with clients as per Appendix A, Section (c)(3)(B)(viii) and conferences with homemakers per Appendix A, Section (c)(3)(B)(iv),
 - 7) documented in-service training, including a minimum of 12 hours of training in the philosophy and functions of homemaker service, as set forth in Section 712.300(g),
 - 8) a system of reports and records, including client records, monthly service reports, administrative records, and personnel records, as set forth in Section 712.300(e),
 - 9) hours of service available to clients (e.g., evenings, weekends).
- b) Current Performance
 - 1) the number of years the agency has provided homemaker service over the past five years, by geographic area,

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- 2) a list of agencies (excluding state agencies) with which the homemaker agency has contracts,
- 3) 5 letters from individuals or organizations that attest to the quality of services provided by the agency and one letter from DORS regional staff indicating the agency wishes to apply,
- 4) certifications or approvals by standard setting agencies, (i.e., National Homecare Council, and the Illinois Council of Home Health Services),
- 5) a self-evaluation process for both program evaluation and case evaluation, (see Section 712.300(h)),
- 6) the establishment of a local presence through a local office, contacts with DORS local office and community groups and active (regular and on-going) recruitment selection of homemakers through local resources.

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Section 712.APPENDIX A Ratings Guide

- a) To qualify for an Agreement a Provider must have a minimum of 46 points as indicated below. Failure to achieve the score designated for these items will disqualify the agency from receiving an Agreement. Agreements will be awarded to the agency with the highest score in a specific geographic area providing there is an established need as identified by HSP field staff and contingent on availability of funds. Rating guidelines contained within this Appendix are excerpted from Sections II and III of HSP's Homemaker Request for Qualifications. Section I of HSP's Homemaker Request for Qualifications is an application with identifying information only and is not part of the scoring.

- 1) Section II - Service Delivery (See Subsection (b) of this

Appendix)

- A) (b)(1)-8 points
 B) (b)(3)-6 points
 C) (b)(4)(B)-8 points
 D) (b)(5)-10 points
 E) (b)(6)-5 points

- 2) Section III - Performance Information (See Subsection (c) of this

Appendix)

- A) (c)(3)(A)-5 points
 B) (c)(3)(B)-2 points
 C) (c)(5)-2 points

- b) Service Delivery

- 1) Type of Home Services (Requires at least 8 points)

- A) Agency identifies type of services and scope of services distinguishing between each type if more than one.

(8 pts)

- B) Agency identifies type of services only, no description or distinction between each type if more than one.

(0 pts)

- C) Agency identifies type and scope of services but no distinction between types of service.

(0 pts)

- 2) Referral, Billing and Back-up Procedures

- A) Regular Referrals

- i) Regular referrals scheduled for first appointment within 1-3 days following initial call from the client or referral sources.

(4 pts)

- ii) Regular referrals scheduled for first appointment within 4-7 days following initial call from client or referral sources.

(3 pts)

- iii) Regular referrals scheduled for first appointment within 8-14 days following initial call from client or referral sources.

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(2 pts)

- iv) Regular referrals scheduled for first appointment within 15 days or more following initial call from client or referral sources.

(1 pt)

B) Billing Procedures

- i) Applicant designates a person to contact regarding billing errors or inconsistencies and indicates formal procedures to follow for reporting errors in billing.

(4 pts)

- ii) Applicant designates only a person to contact regarding billing errors or inconsistencies or indicates only a formal procedure for reporting billing errors.

(2 pts)

- iii) Applicant does not identify an individual nor a formal procedure to follow when reporting billing errors on inconsistencies.

(0 pts)

C) Back-up Procedures

- i) Applicant identifies a back-up system used when service provider is absent and an individual to contact regarding dissatisfaction with services and/or provider.

(4 pts)

- ii) Applicant identifies only a back-up system for replacing absent provider or identifies only an individual to contact regarding service and/or provider problems.

(2 pts)

- iii) Applicant does not identify back-up system nor an individual to report service and/or provider problems.

(0 pts)

- 3) Job Description/Qualifications (Requires at least 6 points)

A) Executive Director or Administrator

- i) plan and administer program

- ii) assure adequate staff

- iii) serve as liaison between staff & governing authority/staff and community

- iv) implement policies according to regulations which govern program

- v) recommend policy and program changes to governing authority

- vi) recruit, train workers, intake

- vii) if more than 1 local unit provides service, designate individual at each unit

(2 pts)

B) Supervisor

- i) accept cases, assign homemakers

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- ii) evaluate quality, quantity, direction of service needed for each client
- iii) prepare and enforce homemaker schedule, notify clients of changes
- iv) plan, prepare weekly conferences with each homemaker. Conferences include discussion of homemaker activities, observations of homemaker, progress toward goals, guidelines for homemaker activity, help homemaker work effectively in each assignment within plan
- v) serve as liaison between homemaker, DORS, other agencies - conferences as necessary regarding problems, progress, effective use of service
- vi) develop appropriate skills, attitudes on part of homemaker to serve clients
- vii) encourage, support, recognize homemaker
- viii) conduct semi-annual home visits to at least 1 client per homemaker
- ix) prepare written reports of each home visit
- x) prepare written service reports for each case monthly (2 pts)

C) Homemaker

- i) help establish household routines
- ii) teach proper clothing care
- iii) perform routine housekeeping
- iv) instruct clients in budgeting, preparation shopping lists, good buying practices, necessary purchases of food, basic items if client cannot shop
- v) plan, prepare meals, special diets, mindful of family dietary habits, proper nutrition and family's food allowance, encourages corrective action if poor diet
- vi) provide personal care, assist with dressing, washing, bathing, care of teeth and dentures
- vii) demonstrate, instruct good hygienic practices
- viii) with a medical doctor (MD) request - assist with medications, physical therapy under supervision of medical personnel
- ix) accompany client to the doctor and other places if necessary, use own car as necessary
- x) prepare written record of each case served - daily record of activities, observations, progress to goal, hours of service
- xi) attend in service training classes and staff conferences (2 pts)

4) Personnel/Assignment

- A) Applicant provides all the requested information (number of current personnel in each classification, information for each local unit, if applicable, staff assignments by type of

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- service; local unit address, geographic coverage, and person in charge) (3 pts.)
 - B) Supervisor/Homemaker Ratio (Requires at least 8 points)
 - i) One full-time supervisor for every 20 full-time homemakers or equivalent full-time homemakers.
 - . full-time homemaker works 35 or more hours/week
 - . equivalent full-time homemaker - any number of part time homemakers whose work hours/week total 35 (4 pts)
 - ii) Semi-annual in home supervisory visits, one client per homemaker. (2 pts)
 - iii) Homemaker/supervisor weekly telephone or face-to-face conferences. (2 pts)
 - iv) Monitoring homemaker to ensure care plan followed. (2 pts)
- Total 10 pts
- 5) Training of Homemakers & Supervisors (Requires at least 10 points)
 - A) Orientation (philosophy, purpose of homemaker service, function of homemaker service - preventive, protective, rehabilitative). (2 pts)
 - B) Minimum 12 hours in-service annually (increase knowledge and strengthen skills). (6 pts)
 - C) Detailed records
 - i) content
 - ii) attendance
 - iii) hours
 - iv) date
 - v) qualifications of trainers (2 pts)
 - 6) Records/Reports (Requires at least 5 points)
 - A) All referrals, requests for services, disposition of referrals and requests. (1 pt)
 - B) Client records
 - i) dates, time, provider's name
 - ii) supervisor/homemaker weekly conferences
 - iii) semi annual visit report (1 pt)
 - C) Monthly service report submitted to DORS
 - i) services provided
 - ii) problems related to plan
 - iii) changes (client status, condition)
 - iv) recommended changes in service plan

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- v) two-way receipts of all money transactions (homemaker/client) (1 pt)
- D) Administrative records
- i) cumulative service statistics
 - ii) attendance of homemakers
 - iv) billing/payment records (1 pt)
- i) individual qualifications for position
- ii) wage rate, effective date
 - iii) daily attendance
- employment
- v) annual evaluation/ability to perform tasks, activities
 - vi) record of orientation, training/name of instructors, hours, dates
 - vii) record of sick, vacation dates
 - viii) auto liability insurance of \$15,000 bodily injury per person - minimum limit \$30,000/per occurrence, \$10,000 property damage insurance if transport client in private automobile
 - ix) keep records 5 years (1 pt)
- 7) Hours/limitations
- A) Regular service hours only 8:30 a.m.-5:00 p.m. (1 pt)
 - B) Expanded hours after 5:00 p.m. and before 8:30 a.m. available M-F only
- D) Services available weekends (pts)
- E) Services available on legal holidays (1 pt)
- F) Agency indicates no limits re personal care services, nor minimum units required to serve a case or limits regarding client disabilities. (1 pt)
- c) Performance Information
- 1) Past experience in geographic area
 - A) Agency established in specific area 5 years or more (5 pts)
 - B) Agency established in specific area 2-4 years or more (2 pts)
 - C) Agency established in specific area 1 year or less (months) (1 pt)

- D) Agency is new, no services in area previously (0 pts)
- 2) Other contracts (maximum points for this item is 5)
- For each contract applicant has or previously has had for purchase of homemaker service other than with State agencies. (1 point).
- 3) References
- A) Letters of reference (1 point for each letter). (Requires at least 5 points)
 - B) DORS Letter (Requires at least 2 points)
 - i) Informational letter only from legal staff indicating the agency wishes an application for an Agreement (2 pts)
 - ii) Letter from regional staff identifies need for an Agreement from a particular agency for at least one of the following reasons:
 - no other homemaker agency in the area
 - this agency provides additional hours (evenings, weekends) not covered by existing Agreements
 - current providers unable to handle the homemaker demand in specific area
 - DORS staff dissatisfied with current homemaker provider(s) (6 pts)
 - iii) Letter from regional staff identifies the agency's experience and past reputation as a provider of homemaker service. (4 pts)
- 4) Certification/Approvals
- Applicant receives 1 pt for each certification or approval by standard setting organization (see Section 72.1003(b)(4)). (2 pts)
- 5) Evaluation (Requires at least 2 points)
- A) Program Evaluation
 - i) regarding quality of services
 - ii) recommendations for improving proposed and followed (1 pt)
 - B) Case Evaluation
 - i) effectiveness of services in individual case situation
 - ii) client/provider viewpoint regarding service delivery and quality of services (1 pt)
- 6) Community Responsiveness
- A) Establishing local presence
 - i) Local office and phone in area served (1 pt)
 - ii) Applicant contacted DORS staff in area by phone only to discuss services, referrals and application for

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Agreement

- (1 pt)
- iii) Applicant met with DORS staff in area to discuss services, referrals and application for Agreement (2 pts)
- iv) Applicant identifies specific community, civic, religious organizations and clubs contacted regarding services and referrals. (1 pt)
- B) Recruitment/selection of homemakers
- i) Applicant contacts job service, DORS offices, local hospitals and social agencies regarding need for homemakers, as well as advertising in local newspapers. (2 pts)
- ii) Applicant contacts area junior colleges or universities, vocational and technical schools, for potential homemakers. (2 pts)
- iii) Homemaker applicant's references are checked, experience evaluated and checked. (2 pts)
- iv) Homemaker applicants are interviewed and evaluated by the Executive Director/Administrator and supervisor as part of the selection process. (1 pt)

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1) Heading of the Part: Non-Financial Eligibility Criteria2) Code Citation: 89 Ill. Adm. Code 685

| 3) <u>Section Numbers:</u> | <u>Proposed Action:</u> |
|----------------------------|-------------------------|
| 685.10 | Repealed |
| 685.100 | Repealed |
| 685.150 | Repealed |
| 685.200 | Repealed |
| 685.300 | Repealed |
| 685.400 | Repealed |
| 685.500 | Repealed |
| 685.550 | Repealed |
| 685.600 | Repealed |
| Appendix A | Repealed |

4) Statutory Authority: Implementing and authorized by Section 3(g) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)) [20 ILCS 2405/3(g)].5) A Complete Description of the Subjects and Issues Involved: In order to reorganize and clarify the Administrative Rules for the Home Services Program, all current Administrative Rules are being repealed and all new Administrative Rules are being proposed.

The proposed Administrative Rules do not reflect programmatic changes, rather just clarification and consolidation of the program provisions.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No.7) Does this rulemaking contain an automatic repeal date? No.8) Does this rulemaking contain incorporations by reference? No.9) Are there any other proposed rulemaking pending on this Part? No.10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429

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Springfield, Illinois 62794-9429

Telephone number: (217)785-3896

TTY: (217)785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Repealers begins on the next page:

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TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 685

NON-FINANCIAL ELIGIBILITY CRITERIA
(REPEALED)

| Section | |
|------------|---|
| 685.10 | Application of Non-Financial Requirements |
| 685.100 | Citizenship |
| 685.150 | Application for Medicaid |
| 685.200 | Residence |
| 685.300 | Age |
| 685.400 | Disability |
| 685.500 | Need for Long-Term Care |
| 685.550 | Effect on HSP Services of Services Provided by Other Agencies |
| 685.600 | Service Cost Maximum |
| APPENDIX A | Institutional Cost Tables |

AUTHORITY: Implementing and authorized by Section 3(g) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)) [20 ILCS 2405/3g].

SOURCE: Adopted and codified at 7 Ill. Reg. 8898, effective July 18, 1983; amended at 8 Ill. Reg. 15967, effective August 31, 1984; amended at 9 Ill. Reg. 9167, effective June 4, 1985; amended at 13 Ill. Reg. 5158, effective March 31, 1989; amended at 13 Ill. Reg. 18929, effective November 16, 1989; amended at 15 Ill. Reg. 6602, effective April 18, 1991; amended at 15 Ill. Reg. 15753, effective October 21, 1991; emergency amendment at 15 Ill. Reg. 14704, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 4529, effective March 10, 1992; amended at 16 Ill. Reg. 6868, effective April 9, 1992; amended at 17 Ill. Reg. 6256, effective April 5, 1993; Part repealed at 18 Ill. Reg. _____, effective _____.

Section 685.10 Application of Non-Financial Requirements

Certain non-financial requirements are conditions of eligibility for the Home Services Program (HSP).

Section 685.100 Citizenship

To be eligible, an individual must be:

- a) A citizen of the United States by birth or naturalization; or
- b) An alien who has been lawfully admitted for permanent residence or is otherwise permanently residing in the United States under color of law; or
- c) A refugee, entrant or Cuban/Haitian applicant for asylum.

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Section 685.150 Application for Medicaid

- a) All applicants for HSP must apply for Medicaid benefits in order to be eligible to receive planned services, but are not required to meet Medicaid spenddown, if one is established, in order to be eligible to receive services. Verification of Medicaid application is not required to receive services during the period of Interim Eligibility (89 Ill. Adm. Code 695.200).
- b) Within 60 calendar days after date of HSP application, the applicant must provide verification of application for Medicaid in one of the following ways:
 - 1) if an applicant has already been found to be Medicaid eligible, by providing the counselor with the Medicaid case number;
 - 2) by providing the counselor with a copy of the Notice of Decision (DPA: 458); or
 - 3) by providing the counselor with a copy of his/her signed and approved Application (DPA: 2378B).
- c) Planned services shall only begin after all criteria for eligibility are met, including verification of application for Medicaid, pursuant to subsection (b) above.

Section 685.200 Residence

Residence in Illinois is a requirement of application and eligibility, and requires physical presence within the state only at the time services are provided. Services may not be provided outside the geographical boundaries of Illinois. The way to determine if an individual is a resident of the State of Illinois is different for institutionalized and non-institutionalized individuals, and may differ depending upon the age and the ability of the individual to indicate the intent to be a resident of a state.

- a) According to federal regulation 42 CFR 435.403 (10/82), an individual is incapable of indicating intent to be a resident if:
 - 1) The individual has an I.Q. of 49 or less, or has a mental age of 7 or less based on tests acceptable to the mental retardation agency in the state;
 - 2) The individual is judged legally incompetent; or
 - 3) Medical documentation supports a finding of incapacity to indicate intent.
- b) Determination of State Residency

The residency of an individual is based on one of the following factors under 42 CFR 435.403 (10/82):

 - 1) State Supplements

If an individual is currently living in Illinois but receives a state supplement from a different state, the individual is not a resident of Illinois.
 - 2) Non-institutionalized Individuals
 - A) A non-institutionalized individual under age 21 is a resident of Illinois if living in Illinois.
 - B) A non-institutionalized individual age 21 or over is a

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resident of Illinois if living in Illinois with the intent to remain for an indefinite period of time.

- C) A non-institutionalized individual age 21 or over who is incapable of stating intent, is a resident of Illinois if currently living in Illinois.

- 3) Institutionalized Individuals

When an Illinois state agency places an individual in an institution, including out of state placement, the individual is a resident of Illinois.

c) Non-Denial Provisions

- 1) HSP eligibility cannot be denied to any individual on the basis that he or she has not lived in this state or any specific minimum period of time.
- 2) HSP cannot render an institutionalized individual ineligible because he or she did not establish residence in this state before entering the institution.
- 3) HSP cannot render an individual ineligible who is temporarily absent from Illinois and plans to return when the purpose of the absence has been completed, unless the other state has determined that the individual is a resident of that state.

Section 685.300 Age

There is no age requirement to be eligible for the Home Services Program, but the program requires that individuals must be under age 60 at the time of application. While individuals must be under age 60 to apply for HSP, they may continue to be served indefinitely by HSP if they are determined to be continuously eligible after their 60th birthday. If the case of an individual age 60 or over is closed, and re-application is subsequently requested, the individual may not make application to HSP. (See also 89 Ill. Adm. Code 708.300).

Section 685.400 Disability

- a) Clients of the Home Services Program who are under age 65 must be determined disabled according to the provisions of the Social Security Act (42 U.S.C. 301 et seq.), which is defined as follows:

"Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months."

- 1) For HSP eligibility purposes, a determination of disability by any entity includes only medical determinations and specifically excludes determinations based solely on the financial or work history requirements utilized by the Social Security Administration.
- 2) In determining disability, HSP shall use regulations under 20 CFR 404 and 416 (10/82) for the Social Security Administration (SSA),

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U.S. Department of Health and Human Services, which relate to the medical determination of disability.

- 3) The determination of disability may also be made by SSA when the individual is applying for or receiving Supplemental Security Income (SSI) benefits or Social Security Disability Insurance (SSDI) benefits, and by the Department of Public Aid (DPA) Disability Review Unit for certain DPA clients.

b) Determination of disability by HSP will be made when the applicant:

- 1) does not have an application pending for SSI or primary SSDI benefits prior to contact with the local office; or
- 2) is not receiving SSI or primary SSDI benefits; or
- 3) has not been denied primary SSDI or SSI benefits on the basis of a "not disabled" determination within the last 60 days.

c) A determination of disability will also be made by HSP when it is necessary to make an HSP eligibility determination within the timelines required under 89 Ill. Adm. Code 693.100, and when the applicant:

- 1) has an application pending for SSI or primary SSDI benefits; or
- 2) has an SSI or SSDI denial, on the basis of "not disabled," currently under reconsideration or appeal with SSA.

d) When HSP makes a determination of "not disabled", the individual is ineligible for the first two calendar months in which services are not received. The first of these two months may be the month of application for initial cases, the month of the disability determination for redeterminations, or the month of the Administrative Review in the case of appeals if services were continued to that decision, whichever is later. (See also 89 Ill. Adm. Code 510 for definition of Administrative Review.) If the individual reapplies, a determination of "disabled" may not be made effective until the month following the two months of ineligibility, unless there is evidence to support a finding of "disabled" prior to the end of the two month period of ineligibility. (See 89 Ill. Adm. Code 685.400(a)(2) for a definition of "evidence".)

e) Individuals found "not disabled" by HSP may appeal this decision per 89 Ill. Adm. Code 678.450, and shall be given the notice of adverse action prescribed therein.

f) Individuals determined to be "disabled" by HSP must, at a minimum, undergo a redetermination of disability every twelve months. (See also Redeterminations, 89 Ill. Adm. Code 698)

g) Clients who are age 65 or over are considered to automatically meet the disability criteria by virtue of age and do not require a disability determination for annual redeterminations. However, individuals 65 and over whose age cannot be verified will be required to undergo a disability determination.

h) Individuals for whom a disability determination must be done, must cooperate in providing medical information to substantiate the presence of a disability which meets the criteria of "disabled" under the Social Security Act. If available medical information is insufficient to make this determination, the local office staff will

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obtain additional medical information, if necessary through the purchase by HSP of physician specialist examinations and appropriate diagnostic tests.

Section 685.500 Need for Long-Term Care

a) To be eligible for HSP, clients must not only meet the eligibility criteria for disability (See subsection 685.400), but they must also have resulting functional limitations which have caused a need for long-term care, such that they are already placed in an institution, or are, as measured by the Determination of Need Scale (See subsection 685.500 (b)), at imminent risk of institutionalization. By definition, the long-term care needs of such clients must be able to be met through services provided in their homes. For purposes of this rule, long term care refers to the need for sheltered, intermediate, or skilled nursing home care, or its equivalent provided in the home.

b) To determine the need for long-term care, the Determination of Need Scale (DON) is utilized to measure a client's service needs (Part A) and the resources available to meet those needs (Part B), based on pertinent medical, social and psychological factors, and on the extent to which service needs are already met, and/or will begin/continue to be met, either wholly or in part, by family, friends, and others, or through the client's available financial resources. The DON consists of two parts:

1) The first section of the DON is the mini-mental state section (University of Illinois, School of Public Health, P.O. Box 6998, Chicago, IL. 60680, no later editions or amendments included) which measures cognitive functioning of the applicant/client.

A) The applicant/client who receives a score of 14 or more points is considered to be cognitively aware. Therefore 0 points will be added to the Part A, Level of Impairment, score on the DON.

B) The applicant/client who receives a score of 13 or less points is considered to be cognitively impaired. Therefore 10 points will be added to the Part A, Level of Impairment, score on the DON.

2) The second section of the DON measures the applicant's/client's ability to perform the following activities of daily living (ADLs) and instrumental activities of daily living (IADLs):

A) Activities of Daily Living:

- i) Eating
- ii) Bathing
- iii) Grooming
- iv) Dressing
- v) Transferring
- vi) Incontinence Care

B) Instrumental Activities of Daily Living:

- i) Preparing Meals
- ii) Being Alone

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- iii) Telephoning
- iv) Managing Money
- v) Routine Health (e.g., following physician's directions)
- vi) Special Health (e.g., cooperating with skilled care professionals)
- vii) Outside Home (e.g., mobility)
- viii) Laundry
- ix) Housework

c) Each of the six ADLs and nine IADLs listed above is scored in two parts: Part A - Level of Impairment and Part B - Unmet Need of Care.

1) Part A, Level of Impairment, of the DON measures the ability of the applicant/client to perform each ADL and IADL function. A scoring range of 0 through 3 indicates the degree of impairment of the applicant/client in the performance of ADLs and IADLs.

A) Zero (0) means the applicant/client performs or can perform all essential components of the activity, with or without an existing assistive device, such that:

- i) no significant impairment of function remains; or
- ii) activity is not required by the applicant/client (routine and special health only); or

iii) applicant/client may benefit from, but does not require, supervision or physical assistance.

B) One (1) means the applicant/client performs or can perform most essential components of the activity, with or without an existing assistive device, but some impairment of function remains such that an applicant/client requires some supervision or physical assistance in some or all components of the activity. This includes the applicant/client who:

- i) experiences minor, intermittent fatigue to perform the activity; or
- ii) takes longer than an unimpaired person in performing the activity; or
- iii) must perform the activity more frequently than an unimpaired person.

C) Two (2) means the applicant/client cannot perform most of the essential components of the activity, even with an existing assistive device, and requires a great deal of assistance or supervision to accomplish the activity. This includes the applicant/client who:

- i) experiences frequent fatigue in performing the activity; or
- ii) takes an excessive amount of time to perform the activity; or

iii) must perform the activity much more frequently than an unimpaired person.

D) Three (3) means the applicant/client cannot perform the activity and requires someone to perform the task, although the applicant/client may be able to assist in small ways, or requires constant supervision.

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2) Part B, Unmet Need for Care, of the DON measures the need of the applicant/client for assistance/performance/supervision for each ADL and IADL function which is not being met by non-HSP resources in the community (e.g., family, friends, local services.)

A) Zero (0) means:

- i) the applicant/client's need for assistance is met to the extent that the applicant/client is at no risk to health or safety if additional assistance is not acquired; or
- ii) the applicant/client has no need for assistance, or
- iii) additional assistance will not benefit the applicant/client.

B) One (1) means the applicant's/client's need for assistance is met most of the time (i.e. more than 50% of the time) but there is a minimal risk to the health and safety of the client if additional assistance is not acquired.

C) Two (2) means the applicant's/client's need for assistance is not met most of the time and there is a moderate risk to the health and safety of the client if additional assistance is not acquired.

D) Three (3) means the applicant's/client's need for assistance is rarely, or never (i.e. less than 10% of the time) met and the applicant's/client's health and safety are at severe risk, which would require acute medical intervention if additional assistance is not acquired.

d) The DON measures these applicant/client function needs and resources in the areas of the applicant's/client's abilities to:

- 1) use the telephone
 - A) Part A scoring will reflect the applicant's/client's ability to use the telephone to communicate essential needs.
 - B) Part B scoring will reflect the availability of assistance, if needed, to help the applicant/client reach and use the telephone or to use the telephone on behalf of the applicant/client.

2) transfer

A) Part A scoring will reflect the applicant's/client's ability to get into or out of bed or other usual sleeping place as well as ability to transfer (from/to) between bed and wheelchair or walker.

B) Part B scoring will reflect the availability of assistance, if needed, to aid and/or motivate the applicant/client in getting into and out of bed as well as transferring.

3) travel outside the home/manage money (and pay bills)

A) Part A scoring will reflect the applicant's/client's ability to leave and return home and complete daily living tasks which are normally transacted outside of the home.

B) Part B scoring will reflect the availability of assistance, if needed, to assist the applicant/client in completing these tasks.

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- 4) prepare nutritionally balanced meals/feed himself/herself
 - A) Part A scoring will reflect the applicant's/client's ability to plan, prepare, and feed himself/herself a nutritionally balanced meal.
 - B) Part B scoring will reflect the availability of assistance, if necessary, to aid the applicant/client in the planning, preparing, and feeding of a nutritious meal.
- 5) do housework/laundry
 - A) Part A scoring will reflect the applicant's/client's ability to adequately do household and laundry tasks necessary for maintaining minimum hygienic conditions.
 - B) Part B scoring will reflect the availability of assistance and facilities, if needed, to aid the applicant/client in satisfactorily completing all tasks associated with housework and laundry.
- 6) shower or bathe/groom/dress (and undress) himself/herself
 - A) Part A scoring will reflect the applicant's/client's ability to adequately perform tasks necessary for minimum personal hygiene standards and to appropriately dress himself/herself.
 - B) Part B scoring will reflect the availability of assistance, if needed, to aid the applicant/client in satisfactorily attending to personal hygiene and dressing tasks.
- 7) control bowel and bladder function
 - A) Part A scoring will reflect the applicant's/client's ability to respond to bowel and bladder needs, including the ability to use associated devices if necessary and to reach the bathroom or other appropriate facility in a timely manner.
 - B) Part B scoring will reflect the availability of assistance, if needed, to aid the applicant/client in adequately responding to these biological needs.
- 8) follow routine/specialized health instructions
 - A) Part A scoring will reflect the applicant's/client's ability to perform and/or participate in the performance of medical instructions prescribed by a medical professional in order to maintain the applicant's/client's health.
 - B) Part B scoring will reflect the availability of assistance, if needed, to aid the applicant/client in following through with routine medical instructions, or in the case of specialized medical instructions, the availability of specially trained resources as necessary.
- 9) be left alone
 - A) Part A scoring will reflect the applicant's/client's ability to be left alone and to recognize, avoid, and respond to danger and/or emergencies.
 - B) Part B scoring will reflect the availability of assistance, if needed, to aid or supervise the applicant/client to avoid danger and/or respond to emergencies.
- e) To be eligible for HSP, an individual must obtain a score of at least

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- 15 points on Part A of the DON, with a total of at least 29 points.
- f) A client, who does not meet the eligibility criteria in subsection (e) above, but was receiving services on the effective date of this Section, may continue to receive services up to the amount of the lowest Service Cost Maximum (SCM) in place on the effective date of this Section. The client's SCM shall be frozen at this level until re-assessment. At annual re-assessment, the DON will be administered and the eligibility criteria in subsection (e) above must be met in order to remain eligible for the program. Those clients who do not meet the eligibility criteria in subsection (e) above, will be given a 30 calendar day notice of termination of services, notification of their right to appeal and notification of the services of the CAP. In no case, shall a reassessment be completed later than October 1, 1992.
- g) As part of the determination of need for long-term care, the client's physician must certify the client's need for long-term care and the safety of serving the client at home.

Section 685.550 Effect on HSP Services of Services Provided by Other Agencies

- a) An individual may not receive services through HSP if he/she is receiving services through Department of Mental Health and Developmental Disabilities' Community Residential Alternatives (CRA), Community Integrated Living Arrangement (CILA), Home/Individual Program (HIP), or Special Home Placement (SHP) or through Department on Aging's Community Care Program. The individual may, if eligible, choose to receive HSP services, but must first terminate any of the services listed above.
- b) An individual with a developmental disability or severe mental illness may not be placed in HSP, per OBRA regulations (P.L. 100-203) unless:
 - 1) the Pre-Admission Screening and Annual Resident Review Agent determines the individual is not in need of active treatment/specialized services (42 CFR 483); or
 - 2) the individual chooses to retire from active treatment/specialized services.

Section 685.600 Service Cost Maximum

- a) If all other factors of eligibility are met, local office staff will prepare an individualized service plan for each client to address all unmet service needs of the client as measured by the DON and according to the provisions of 89 Ill. Adm. Code 700. The cost of the required services on this plan may not exceed the amount the state would expect to pay for the institutional care of a client having similar scores on the DON. Individuals whose eligibility for the HSP is determined on or after the effective date of this Section shall have their need for long term care established in accordance with subsections 685.500(e)(1) and (2).
- b) As of July 1, 1991 the following Service Cost Maximums will apply:

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- Determination of Need Score
- | Total | Service Cost Maximum |
|----------------|----------------------|
| 18 through 28 | No more than \$488 |
| 29 through 32 | No more than \$644 |
| 33 through 40 | No more than \$804 |
| 41 through 49 | No more than \$893 |
| 50 through 59 | No more than \$1,070 |
| 60 through 69 | No more than \$1,258 |
| 70 through 79 | No more than \$1,360 |
| 80 through 100 | No more than \$1,462 |
- c) Cases on hand June 30, 1983, which have case costs that exceed the maximum projected monthly institutional cost, may continue to be subject only to the institutional cost standards in force prior to July 1, 1983 (see Appendix A). All cases on hand June 30, 1983, will otherwise be subject to this and all other eligibility criteria stated in 89 Ill. Adm. Code: Chapter IV, Subchapter d.
- d) Where changes of service needs are temporary and would result in costs which would exceed the projected monthly institutional cost and do not otherwise require a redetermination, an average monthly cost will be used. However, the average monthly service cost over a 12 month period must be within the allowable maximums. For the purposes of this provision, the 12 month period would include the 11 previous months, if applicable, plus the month of the temporarily increased service cost. This determination of average cost will be conducted for each month of service in which the service cost exceeds the monthly maximum.
- e) Denial of HSP Service Eligibility
- 1) Eligibility for HSP services is to be denied if:
 - A) The client's physician will not certify the safety of serving the client at home.
 - B) The services necessary to an adequate service plan are not available or cannot be provided.
 - C) The service plan cannot be designed by local office staff to adequately meet the client's essential needs within the service cost maximum.
 - 2) Where clients are denied services for any of these reasons, the client shall be referred for assistance to a local social service agency, local home health agency or visiting nurses association if the client refuses needed institutional care.

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Section 685.APPENDIX A Institutional Cost Tables

The attached "Evaluation of Need for Care" and Tables one through seven represent the institutional cost standards in effect prior to July 1, 1983.

EVALUATION OF NEED FOR CARE

1. Eating
 - 0 -- Independent
 - 1 -- Requires regular minimum assistance.
 - 2 -- Requires part time assistance by staff.
 - 4 -- Requires constant attendance by staff to hand feed and to ensure adequate intake.
 - #8 -- Tube feeding or gastrostomy feeding.
2. Mobility
 - 0 -- Requires no assistance or is independent with assistive devices.
 - *2 -- Mobile with assistance.
 - *3 -- Completely dependent upon staff or condition is such that more than one staff member is required to give assistance.
3. Behavior and Mental Condition
 - 0 -- Adequate mental and social functioning within the facility.
 - 3 -- Requires occasional supervision due to behavioral and mental condition.
 - *8 -- Requires frequent or constant direction and guidance due to severe behavioral or mental condition.
4. Physical Rehabilitation Needs
 - 0 -- No potential for rehabilitation.
 - *4 -- Needs and is receiving rehabilitation nursing services, performed or supervised by a licensed nurse to maintain current level of function.
 - *8 -- Needs and is receiving intensive rehabilitation services to improve functioning directly related to selected acute illnesses or injuries with the period of 3 to 6 months following discharge (allow 8 points only if facility has an approved rehabilitation nursing program).
 - *12 -- Needs and is receiving intensive rehabilitation services to improve functioning directly related to selected acute illnesses or injuries during the three month period following discharge. (allow 12 points only if facility has an approved rehabilitation nursing program).
5. Catheterization (including irrigations)
 - 0 -- Never
 - *4 -- Occasional, for specimen and for short time treatment.

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*8 -- Continuous retention catheter will full care.

6. Incontinence (bladder and bowel)

0 -- None

1 -- May have occasional accidents.

2 -- Partial bowel or bladder incontinence.

*8 -- Maintenance following a training program.

*6 -- Total bowel and/or bladder incontinence.

*8 -- Bowel and bladder training program (six month limitation).

7. Douches, Enemas or Colostomy Irrigations

0 -- None or occasional

*4 -- Less than daily

*5 -- Daily

8. Diet

0 -- Regular, soft, bland or low salt.

*3 -- Other special diets as ordered by physician.

9. Medications (oral, ointments, drops and suppositories)

0 -- Never

*1 -- Less than daily

*3 -- Daily

10. Injections (hypodermic and intramuscular)

0 -- Never

*2 -- Irregular (points may be allowed in sheltered care home).

*4 -- Daily (points may be allowed in sheltered care homes).

11. Intravenous and Subcutaneous Fluids

0 -- Never

*2 -- Given by physician

*8 -- Given by R.N. on physician's orders.

12. Suctioning

0 -- Never

*3 -- Self-care or with minimum assistance

*5 -- Less than daily

*8 -- Daily

13. Oxygen (includes positive pressure)

0 -- Never

*4 -- Less than daily or with minimum assistance.

*8 -- Daily

14. Dressings and Appliances

0 -- None or occasional small dressing for minor cuts or abrasions.

*4 -- Regular application of appliances and/or Ace bandages, or care required because of a cast.

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*6 -- Dressings to moderate size areas.

*8 -- Comprehensive dressings needed regularly.

15.

The recipient requires nursing care 24 hours a day for selected acute illness or injuries. (This care may be provided in an ICF I if the facility is staffed and equipped to provide the necessary care), or skilled nursing care was recommended as a result of a medical review conducted by IDPH.

#*Except where otherwise specified, points are not allowed in sheltered care homes for these procedures.

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APPENDIX A (continued)

Table 1 Health Service Areas (HSA) I and X including the following counties:

| Boone Carroll | DeKalb Henry | Jo Daviess Lee | Mercer Ogle | Rock Island Stephenson | Whiteside Winnebago | | |
|-------------------|-----------------|----------------------|----------------|---------------------------|------------------------|-----|---------|
| SHELTERED CARE | | SKILLED NURSING CARE | | | | | |
| POINTS | COST | POINTS | COST | POINTS | COST | | |
| 1 | 402.30 | 1 | 640.50 | 39 | 969.00 | 77 | 1203.30 |
| 2 | 402.30 | 2 | 652.50 | 40 | 975.00 | 78 | 1209.70 |
| 3 | 402.30 | 3 | 664.50 | 41 | 981.30 | 79 | 1215.60 |
| 4 | 402.30 | 4 | 676.50 | 42 | 987.30 | 80 | 1221.90 |
| 5 | 402.30 | 5 | 688.50 | 43 | 993.60 | 81 | 1227.90 |
| 6 | 402.30 | 6 | 700.50 | 44 | 999.60 | 82 | 1234.20 |
| 7 | 402.30 | 7 | 712.50 | 45 | 1005.90 | 83 | 1240.50 |
| 8 | 407.30 | 8 | 724.80 | 46 | 1012.20 | 84 | 1246.50 |
| 9 | 412.30 | 9 | 736.80 | 47 | 1018.20 | 85 | 1252.80 |
| | | 10 | 748.00 | 48 | 1024.50 | 86 | 1258.80 |
| | | 11 | 760.80 | 49 | 1030.50 | 87 | 1265.10 |
| | | 12 | 772.80 | 50 | 1036.80 | 88 | 1271.10 |
| | | 13 | 784.80 | 51 | 1042.80 | 89 | 1277.40 |
| | | 14 | 797.10 | 52 | 1049.10 | 90 | 1283.70 |
| | | 15 | 809.10 | 53 | 1055.10 | 91 | 1289.60 |
| | | 16 | 821.10 | 54 | 1061.40 | 92 | 1296.00 |
| | | 17 | 833.10 | 55 | 1067.70 | 93 | 1302.00 |
| | | 18 | 845.40 | 56 | 1073.70 | 94 | 1308.30 |
| | | 19 | 857.10 | 57 | 1080.00 | 95 | 1314.30 |
| | | 20 | 869.40 | 58 | 1086.00 | 96 | 1320.60 |
| | | 21 | 881.70 | 59 | 1092.32 | 97 | 1326.60 |
| | | 22 | 894.00 | 60 | 1098.30 | 98 | 1332.90 |
| | | 23 | 906.30 | 61 | 1104.60 | 99 | 1339.20 |
| | | 24 | 918.60 | 62 | 1110.90 | 100 | 1345.20 |
| | | 25 | 930.90 | 63 | 1116.90 | | |
| | | 26 | 943.20 | 64 | 1123.20 | | |
| | | 27 | 955.50 | 65 | 1129.20 | | |
| | | 28 | 967.80 | 66 | 1135.50 | | |
| | | 29 | 980.10 | 67 | 1141.50 | | |
| | | 30 | 992.40 | 68 | 1147.80 | | |
| | | 31 | 1004.70 | 69 | 1154.10 | | |
| | | 32 | 1017.00 | 70 | 1160.10 | | |
| | | 33 | 1029.30 | 71 | 1166.40 | | |
| | | 34 | 1041.60 | 72 | 1172.40 | | |
| | | 35 | 1053.90 | 73 | 1178.70 | | |
| | | 36 | 1066.20 | 74 | 1184.70 | | |
| | | 37 | 1078.50 | 75 | 1191.00 | | |
| | | 38 | 1090.80 | 76 | 1197.30 | | |
| INTERMEDIATE CARE | | | | | | | |
| POINTS | COST | | | | | | |
| 1 | 526.20 | | | | | | |
| 2 | 538.80 | | | | | | |
| 3 | 551.10 | | | | | | |
| 4 | 563.10 | | | | | | |
| 5 | 575.10 | | | | | | |
| 6 | 587.10 | | | | | | |
| 7 | 599.10 | | | | | | |
| 8 | 611.10 | | | | | | |
| 9 | 623.40 | | | | | | |
| 10 | 635.40 | | | | | | |
| 11 | 647.40 | | | | | | |
| 12 | 659.40 | | | | | | |
| 13 | 671.40 | | | | | | |
| 14 | 683.40 | | | | | | |
| 15 | 695.40 | | | | | | |
| 16 | 707.70 | | | | | | |
| 17 | 719.70 | | | | | | |
| 18 | 725.70 | | | | | | |
| 19 | 732.00 | | | | | | |
| 20 | 738.00 | | | | | | |
| 21 | 744.00 | | | | | | |
| 22 | 750.60 | | | | | | |
| 23 | 756.60 | | | | | | |
| 24 | 762.90 | | | | | | |

INTERMEDIATE CARE

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APPENDIX A (continued)

Table 2 Health Service Areas (HSA) II and IV including the following counties:

| Bureau | | DeWitt | | Henderson | | Macon | | Peoria | | Tazewell | |
|-------------------|--------|---------|--------|----------------------|---------|-----------|---------|--------|------|------------|------|
| Champaign | | Douglas | | Iroquois | | Marshall | | Piatt | | Vermillion | |
| Clark | | Edgar | | Knox | | McDonough | | Putnam | | Warren | |
| Coles | | Ford | | LaSalle | | McLean | | Shelby | | Woodford | |
| Cumberland | | Fulton | | Livingston | | Moultrie | | Stark | | | |
| SHELTERED CARE | | | | SKILLED NURSING CARE | | | | | | | |
| POINTS | COST | POINTS | COST | POINTS | COST | POINTS | COST | POINTS | COST | POINTS | COST |
| 1 | 402.30 | 1 | 663.00 | 39 | 997.80 | 77 | 1236.60 | | | | |
| 2 | 402.30 | 2 | 675.30 | 40 | 1004.10 | 78 | 1242.90 | | | | |
| 3 | 402.30 | 3 | 687.60 | 41 | 1010.10 | 79 | 1249.20 | | | | |
| 4 | 402.30 | 4 | 699.90 | 42 | 1016.40 | 80 | 1255.50 | | | | |
| 5 | 402.30 | 5 | 711.90 | 43 | 1022.70 | 81 | 1261.80 | | | | |
| 6 | 402.30 | 6 | 724.20 | 44 | 1029.00 | 82 | 1268.10 | | | | |
| 7 | 402.30 | 7 | 736.50 | 45 | 1035.30 | 83 | 1274.40 | | | | |
| 8 | 407.30 | 8 | 748.80 | 46 | 1041.60 | 84 | 1280.70 | | | | |
| 9 | 412.30 | 9 | 761.10 | 47 | 1047.90 | 85 | 1287.00 | | | | |
| | | 10 | 773.40 | 48 | 1054.20 | 86 | 1293.30 | | | | |
| | | 11 | 785.70 | 49 | 1060.50 | 87 | 1299.60 | | | | |
| | | 12 | 798.00 | 50 | 1066.80 | 88 | 1305.60 | | | | |
| | | 13 | 810.30 | 51 | 1073.10 | 89 | 1311.90 | | | | |
| | | 14 | 822.60 | 52 | 1079.40 | 90 | 1318.20 | | | | |
| | | 15 | 834.90 | 53 | 1085.70 | 91 | 1324.50 | | | | |
| | | 16 | 847.20 | 54 | 1092.00 | 92 | 1330.80 | | | | |
| | | 17 | 859.20 | 55 | 1098.30 | 93 | 1337.10 | | | | |
| | | 18 | 865.50 | 56 | 1104.60 | 94 | 1343.40 | | | | |
| | | 19 | 871.80 | 57 | 1110.90 | 95 | 1349.70 | | | | |
| | | 20 | 878.10 | 58 | 1117.20 | 96 | 1356.00 | | | | |
| | | 21 | 884.40 | 59 | 1123.50 | 97 | 1362.30 | | | | |
| | | 22 | 890.70 | 60 | 1129.80 | 98 | 1368.60 | | | | |
| | | 23 | 897.00 | 61 | 1136.10 | 99 | 1374.90 | | | | |
| | | 24 | 903.30 | 62 | 1142.40 | 100 | 1381.20 | | | | |
| | | 25 | 909.60 | 63 | 1148.70 | | | | | | |
| | | 26 | 915.90 | 64 | 1154.70 | | | | | | |
| | | 27 | 922.20 | 65 | 1161.00 | | | | | | |
| | | 28 | 928.50 | 66 | 1167.30 | | | | | | |
| | | 29 | 934.80 | 67 | 1173.60 | | | | | | |
| | | 30 | 941.10 | 68 | 1179.90 | | | | | | |
| | | 31 | 947.40 | 69 | 1186.20 | | | | | | |
| | | 32 | 953.70 | 70 | 1192.50 | | | | | | |
| | | 33 | 960.00 | 71 | 1198.80 | | | | | | |
| | | 34 | 966.30 | 72 | 1205.10 | | | | | | |
| | | 35 | 972.60 | 73 | 1211.40 | | | | | | |
| | | 36 | 978.90 | 74 | 1217.70 | | | | | | |
| INTERMEDIATE CARE | | | | | | | | | | | |
| POINTS | COST | POINTS | COST | POINTS | COST | POINTS | COST | POINTS | COST | POINTS | COST |
| 1 | 547.20 | 15 | 834.90 | 53 | 1085.70 | 91 | 1324.50 | | | | |
| 2 | 559.50 | 16 | 847.20 | 54 | 1092.00 | 92 | 1330.80 | | | | |
| 3 | 571.80 | 17 | 859.20 | 55 | 1098.30 | 93 | 1337.10 | | | | |
| 4 | 584.10 | 18 | 865.50 | 56 | 1104.60 | 94 | 1343.40 | | | | |
| 5 | 596.40 | 19 | 871.80 | 57 | 1110.90 | 95 | 1349.70 | | | | |
| 6 | 608.70 | 20 | 878.10 | 58 | 1117.20 | 96 | 1356.00 | | | | |
| 7 | 621.00 | 21 | 884.40 | 59 | 1123.50 | 97 | 1362.30 | | | | |
| 8 | 633.30 | 22 | 890.70 | 60 | 1129.80 | 98 | 1368.60 | | | | |
| 9 | 645.60 | 23 | 897.00 | 61 | 1136.10 | 99 | 1374.90 | | | | |
| 10 | 657.90 | 24 | 903.30 | 62 | 1142.40 | 100 | 1381.20 | | | | |
| 11 | 670.20 | 25 | 909.60 | 63 | 1148.70 | | | | | | |
| 12 | 682.20 | 26 | 915.90 | 64 | 1154.70 | | | | | | |
| 13 | 694.50 | 27 | 922.20 | 65 | 1161.00 | | | | | | |
| 14 | 706.80 | 28 | 928.50 | 66 | 1167.30 | | | | | | |
| 15 | 719.70 | 29 | 934.80 | 67 | 1173.60 | | | | | | |
| 16 | 731.40 | 30 | 941.10 | 68 | 1179.90 | | | | | | |
| 17 | 743.70 | 31 | 947.40 | 69 | 1186.20 | | | | | | |
| 18 | 750.00 | 32 | 953.70 | 70 | 1192.50 | | | | | | |
| 19 | 756.30 | 33 | 960.00 | 71 | 1198.80 | | | | | | |
| 20 | 762.60 | 34 | 966.30 | 72 | 1205.10 | | | | | | |
| 21 | 768.90 | 35 | 972.60 | 73 | 1211.40 | | | | | | |
| 22 | 775.20 | 36 | 978.90 | 74 | 1217.70 | | | | | | |

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

| | | | | | |
|----|--------|----|--------|----|---------|
| 23 | 781.50 | 37 | 985.20 | 75 | 1224.00 |
| 24 | 787.80 | 38 | 991.50 | 76 | 1230.30 |

ILLINOIS REGISTER

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

APPENDIX A (continued)

Table 3 Health Service Area (HSA) III including the following counties:

| Adams Brown Calhoun | Cass Christian Greene | Hancock Jersey Logan | Macoupin Mason Menard | Montgomery Morgan Pike | Sangamon Schuyler Scott |
|---------------------------|-----------------------------|----------------------------|-----------------------------|------------------------------|-------------------------------|
| | | | | | |
| SHELTERED CARE | | SKILLED NURSING CARE | | | |
| POINTS | COST | POINTS | COST | POINTS | COST |
| 1 | 402.30 | 1 | 622.80 | 39 | 948.90 |
| 2 | 402.30 | 2 | 634.80 | 40 | 955.20 |
| 3 | 402.30 | 3 | 646.80 | 41 | 961.20 |
| 4 | 402.30 | 4 | 658.50 | 42 | 967.50 |
| 5 | 402.30 | 5 | 670.50 | 43 | 973.50 |
| 6 | 402.30 | 6 | 682.50 | 44 | 979.50 |
| 7 | 402.30 | 7 | 694.50 | 45 | 985.80 |
| 8 | 407.30 | 8 | 706.50 | 46 | 991.80 |
| 9 | 412.30 | 9 | 718.50 | 47 | 998.10 |
| | | 10 | 730.50 | 48 | 1004.10 |
| | | 11 | 742.50 | 49 | 1010.40 |
| | | 12 | 751.70 | 50 | 1016.40 |
| | | 13 | 766.20 | 51 | 1022.40 |
| | | 14 | 778.20 | 52 | 1028.70 |
| | | 15 | 790.20 | 53 | 1034.70 |
| | | 16 | 802.20 | 54 | 1041.00 |
| | | 17 | 814.20 | 55 | 1047.00 |
| | | 18 | 820.20 | 56 | 1053.30 |
| | | 19 | 826.50 | 57 | 1059.30 |
| | | 20 | 832.50 | 58 | 1065.30 |
| | | 21 | 838.80 | 59 | 1071.60 |
| | | 22 | 844.80 | 60 | 1077.60 |
| | | 23 | 850.80 | 61 | 1083.90 |
| | | 24 | 857.10 | 62 | 1089.90 |
| | | 25 | 863.10 | 63 | 1096.20 |
| | | 26 | 869.40 | 64 | 1102.20 |
| | | 27 | 875.40 | 65 | 1108.20 |
| | | 28 | 881.70 | 66 | 1114.50 |
| | | 29 | 887.70 | 67 | 1120.50 |
| | | 30 | 893.70 | 68 | 1126.80 |
| | | 31 | 900.00 | 69 | 1132.80 |
| | | 32 | 906.00 | 70 | 1139.10 |
| | | 33 | 912.30 | 71 | 1145.10 |
| | | 34 | 918.30 | 72 | 1151.10 |
| | | 35 | 924.60 | 73 | 1157.40 |
| | | 36 | 930.60 | 74 | 1163.40 |
| | | 37 | 936.60 | 75 | 1169.70 |
| | | 38 | 942.90 | 76 | 1175.70 |
| | | 39 | 948.90 | 77 | 1182.00 |
| | | 40 | 955.20 | 78 | 1188.00 |
| | | 41 | 961.20 | 79 | 1194.00 |
| | | 42 | 967.50 | 80 | 1200.30 |
| | | 43 | 973.50 | 81 | 1206.30 |
| | | 44 | 979.50 | 82 | 1212.60 |
| | | 45 | 985.80 | 83 | 1218.60 |
| | | 46 | 991.80 | 84 | 1224.90 |
| | | 47 | 998.10 | 85 | 1230.90 |
| | | 48 | 1004.10 | 86 | 1236.90 |
| | | 49 | 1010.40 | 87 | 1243.20 |
| | | 50 | 1016.40 | 88 | 1249.20 |
| | | 51 | 1022.40 | 89 | 1255.50 |
| | | 52 | 1028.70 | 90 | 1261.50 |
| | | 53 | 1034.70 | 91 | 1267.80 |
| | | 54 | 1041.00 | 92 | 1273.80 |
| | | 55 | 1047.00 | 93 | 1280.80 |
| | | 56 | 1053.30 | 94 | 1286.10 |
| | | 57 | 1059.30 | 95 | 1292.10 |
| | | 58 | 1065.30 | 96 | 1298.40 |
| | | 59 | 1071.60 | 97 | 1304.40 |
| | | 60 | 1077.60 | 98 | 1310.70 |
| | | 61 | 1083.90 | 99 | 1316.70 |
| | | 62 | 1089.90 | 100 | 1322.70 |
| INTERMEDIATE CARE | | | | | |
| POINTS | COST | | | | |
| 1 | 510.00 | | | | |
| 2 | 522.00 | | | | |
| 3 | 534.00 | | | | |
| 4 | 546.00 | | | | |
| 5 | 558.00 | | | | |
| 6 | 570.00 | | | | |
| 7 | 581.70 | | | | |
| 8 | 593.70 | | | | |
| 9 | 605.70 | | | | |
| 10 | 617.70 | | | | |
| 11 | 629.70 | | | | |
| 12 | 641.70 | | | | |
| 13 | 653.70 | | | | |
| 14 | 665.70 | | | | |
| 15 | 677.40 | | | | |
| 16 | 689.40 | | | | |
| 17 | 701.40 | | | | |
| 18 | 707.70 | | | | |
| 19 | 713.70 | | | | |
| 20 | 720.00 | | | | |
| 21 | 726.00 | | | | |
| 22 | 732.00 | | | | |
| 23 | 738.30 | | | | |
| 24 | 744.30 | | | | |

INTERMEDIATE CARE

| POINTS | COST |
|--------|--------|
| 1 | 510.00 |
| 2 | 522.00 |
| 3 | 534.00 |
| 4 | 546.00 |
| 5 | 558.00 |
| 6 | 570.00 |
| 7 | 581.70 |
| 8 | 593.70 |
| 9 | 605.70 |
| 10 | 617.70 |
| 11 | 629.70 |
| 12 | 641.70 |
| 13 | 653.70 |
| 14 | 665.70 |
| 15 | 677.40 |
| 16 | 689.40 |
| 17 | 701.40 |
| 18 | 707.70 |
| 19 | 713.70 |
| 20 | 720.00 |
| 21 | 726.00 |
| 22 | 732.00 |
| 23 | 738.30 |
| 24 | 744.30 |

DEPARTMENT OF REHABILITATION SERVICES

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

NOTICE OF PROPOSED REPEALER

APPENDIX A (continued)

Table 4 Health Service Area (HSA) V including the following counties:

| | | | | | |
|-----------|-----------|-----------|----------|----------|------------|
| Alexander | Effingham | Hardin | Lawrence | Pulaski | Wabash |
| Bond | Fayette | Jackson | Marion | Randolph | Washington |
| Clay | Franklin | Jasper | Massac | Richland | Wayne |
| Crawford | Gallatin | Jefferson | Perry | Saline | White |
| Edwards | Hamilton | Johnson | Pope | Union | Williamson |

SHELTERED CARE

| POINTS | COST | POINTS | COST | POINTS | COST |
|--------|------|--------|------|--------|------|
|--------|------|--------|------|--------|------|

| | | | | | | | |
|---|--------|----|--------|----|---------|-----|---------|
| 1 | 402.30 | 1 | 586.20 | 39 | 906.20 | 77 | 1131.00 |
| 2 | 402.30 | 2 | 597.90 | 40 | 912.20 | 78 | 1137.00 |
| 3 | 402.30 | 3 | 609.60 | 41 | 918.20 | 79 | 1143.00 |
| 4 | 402.30 | 4 | 621.30 | 42 | 921.90 | 80 | 1149.00 |
| 5 | 402.30 | 5 | 632.70 | 43 | 927.90 | 81 | 1155.00 |
| 6 | 402.30 | 6 | 644.40 | 44 | 933.90 | 82 | 1161.00 |
| 7 | 402.30 | 7 | 656.10 | 45 | 939.90 | 83 | 1167.00 |
| 8 | 407.30 | 8 | 667.80 | 46 | 945.90 | 84 | 1172.70 |
| 9 | 412.30 | 9 | 679.50 | 47 | 951.90 | 85 | 1178.70 |
| | | 10 | 691.20 | 48 | 957.90 | 86 | 1184.70 |
| | | 11 | 702.90 | 49 | 963.90 | 87 | 1190.70 |
| | | 12 | 714.60 | 50 | 969.90 | 88 | 1196.70 |
| | | 13 | 726.00 | 51 | 975.90 | 89 | 1202.70 |
| | | 14 | 737.70 | 52 | 981.90 | 90 | 1208.70 |
| | | 15 | 749.40 | 53 | 987.60 | 91 | 1214.70 |
| | | 16 | 761.10 | 54 | 993.60 | 92 | 1220.70 |
| | | 17 | 772.80 | 55 | 999.60 | 93 | 1226.70 |
| | | 18 | 778.80 | 56 | 1005.60 | 94 | 1232.70 |
| | | 19 | 784.80 | 57 | 1012.60 | 95 | 1238.40 |
| | | 20 | 790.80 | 58 | 1018.60 | 96 | 1244.40 |
| | | 21 | 796.50 | 59 | 1024.60 | 97 | 1250.40 |
| | | 22 | 802.50 | 60 | 1030.60 | 98 | 1256.40 |
| | | 23 | 808.50 | 61 | 1036.60 | 99 | 1262.40 |
| | | 24 | 814.50 | 62 | 1041.60 | 100 | 1268.40 |
| | | 25 | 820.50 | 63 | 1047.30 | | |
| | | 26 | 826.50 | 64 | 1053.30 | | |
| | | 27 | 832.50 | 65 | 1059.30 | | |
| | | 28 | 838.50 | 66 | 1065.30 | | |
| | | 29 | 844.50 | 67 | 1071.30 | | |
| | | 30 | 850.50 | 68 | 1077.30 | | |
| | | 31 | 856.20 | 69 | 1083.30 | | |
| | | 32 | 862.20 | 70 | 1089.30 | | |
| | | 33 | 868.20 | 71 | 1095.30 | | |
| | | 34 | 874.20 | 72 | 1101.30 | | |
| | | 35 | 880.20 | 73 | 1107.30 | | |
| | | 36 | 886.20 | 74 | 1113.00 | | |

INTERMEDIATE CARE

| POINTS | COST | POINTS | COST | POINTS | COST |
|--------|------|--------|------|--------|------|
|--------|------|--------|------|--------|------|

| | | | | | | | |
|----|--------|----|--------|----|---------|-----|---------|
| 1 | 476.40 | 1 | 586.20 | 39 | 906.20 | 77 | 1131.00 |
| 2 | 488.10 | 2 | 597.90 | 40 | 912.20 | 78 | 1137.00 |
| 3 | 499.80 | 3 | 609.60 | 41 | 918.20 | 79 | 1143.00 |
| 4 | 511.50 | 4 | 621.30 | 42 | 921.90 | 80 | 1149.00 |
| 5 | 522.90 | 5 | 632.70 | 43 | 927.90 | 81 | 1155.00 |
| 6 | 534.60 | 6 | 644.40 | 44 | 933.90 | 82 | 1161.00 |
| 7 | 546.30 | 7 | 656.10 | 45 | 939.90 | 83 | 1167.00 |
| 8 | 558.00 | 8 | 667.80 | 46 | 945.90 | 84 | 1172.70 |
| 9 | 569.70 | 9 | 679.50 | 47 | 951.90 | 85 | 1178.70 |
| 10 | 581.40 | 10 | 691.20 | 48 | 957.90 | 86 | 1184.70 |
| 11 | 593.10 | 11 | 702.90 | 49 | 963.90 | 87 | 1190.70 |
| 12 | 604.50 | 12 | 714.60 | 50 | 969.90 | 88 | 1196.70 |
| 13 | 616.20 | 13 | 726.00 | 51 | 975.90 | 89 | 1202.70 |
| 14 | 627.90 | 14 | 737.70 | 52 | 981.90 | 90 | 1208.70 |
| 15 | 639.60 | 15 | 749.40 | 53 | 987.60 | 91 | 1214.70 |
| 16 | 651.30 | 16 | 761.10 | 54 | 993.60 | 92 | 1220.70 |
| 17 | 663.00 | 17 | 772.80 | 55 | 999.60 | 93 | 1226.70 |
| 18 | 669.00 | 18 | 778.80 | 56 | 1005.60 | 94 | 1232.70 |
| 19 | 675.00 | 19 | 784.80 | 57 | 1012.60 | 95 | 1238.40 |
| 20 | 680.70 | 20 | 790.80 | 58 | 1018.60 | 96 | 1244.40 |
| 21 | 686.70 | 21 | 796.50 | 59 | 1024.60 | 97 | 1250.40 |
| 22 | 692.70 | 22 | 802.50 | 60 | 1030.60 | 98 | 1256.40 |
| | | 23 | 808.50 | 61 | 1036.60 | 99 | 1262.40 |
| | | 24 | 814.50 | 62 | 1041.60 | 100 | 1268.40 |
| | | 25 | 820.50 | 63 | 1047.30 | | |
| | | 26 | 826.50 | 64 | 1053.30 | | |
| | | 27 | 832.50 | 65 | 1059.30 | | |
| | | 28 | 838.50 | 66 | 1065.30 | | |
| | | 29 | 844.50 | 67 | 1071.30 | | |
| | | 30 | 850.50 | 68 | 1077.30 | | |
| | | 31 | 856.20 | 69 | 1083.30 | | |
| | | 32 | 862.20 | 70 | 1089.30 | | |
| | | 33 | 868.20 | 71 | 1095.30 | | |
| | | 34 | 874.20 | 72 | 1101.30 | | |
| | | 35 | 880.20 | 73 | 1107.30 | | |
| | | 36 | 886.20 | 74 | 1113.00 | | |

| | | | | | |
|----|--------|----|--------|----|---------|
| 23 | 698.70 | 37 | 894.20 | 75 | 1119.00 |
| 24 | 704.70 | 38 | 900.20 | 76 | 1125.00 |

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

APPENDIX A (continued)

Table 5 Health Service Areas (HSA) VI, VII, VIII including the following counties:

| POINTS | Cook | DuPage | | Kane | | Lake | | McHenry | |
|--------|------|-----------------------------|-------------|--------|--|---------|--------|---------|--------|
| | | SHELTERED CARE (C,D,K,L) | COST (M) | POINTS | SKILLED NURSING CARE NURSING POINTS | COST | POINTS | COST | POINTS |
| 1 | 1 | 414.30 | 402.30 | 1 | 682.20 | 1034.70 | 77 | 1286.10 | |
| 2 | 2 | 414.30 | 402.30 | 2 | 695.10 | 1041.30 | 78 | 1290.70 | |
| 3 | 3 | 414.30 | 402.30 | 3 | 708.00 | 1047.90 | 79 | 1299.30 | |
| 4 | 4 | 414.30 | 402.30 | 4 | 720.90 | 1054.50 | 80 | 1305.90 | |
| 5 | 5 | 414.30 | 402.30 | 5 | 733.80 | 1061.10 | 81 | 1312.50 | |
| 6 | 6 | 414.30 | 402.30 | 6 | 746.70 | 1067.70 | 82 | 1319.10 | |
| 7 | 7 | 414.30 | 402.30 | 7 | 759.90 | 1074.30 | 83 | 1325.70 | |
| 8 | 8 | 420.30 | 407.30 | 8 | 772.80 | 1080.90 | 84 | 1332.30 | |
| 9 | 9 | 426.30 | 412.30 | 9 | 785.70 | 1087.50 | 85 | 1338.90 | |
| | 10 | | | 10 | 798.60 | 1094.10 | 86 | 1345.50 | |
| | 11 | | | 11 | 811.50 | 1100.70 | 87 | 1352.10 | |
| | 12 | | | 12 | 824.40 | 1107.30 | 88 | 1358.70 | |
| | 13 | | | 13 | 837.30 | 1113.90 | 89 | 1365.30 | |
| | 14 | | | 14 | 850.20 | 1120.50 | 90 | 1372.20 | |
| | 15 | 560.40 | | 15 | 863.10 | 1127.10 | 91 | 1378.80 | |
| | 16 | 573.60 | | 16 | 876.00 | 1133.70 | 92 | 1385.40 | |
| | 17 | 586.50 | | 17 | 888.90 | 1140.30 | 93 | 1392.00 | |
| | 18 | 599.40 | | 18 | 895.50 | 1147.20 | 94 | 1398.60 | |
| | 19 | 612.30 | | 19 | 902.10 | 1153.80 | 95 | 1405.20 | |
| | 20 | 625.20 | | 20 | 908.70 | 1160.40 | 96 | 1411.80 | |
| | 21 | 638.10 | | 21 | 915.30 | 1167.00 | 97 | 1418.40 | |
| | 22 | 651.00 | | 22 | 922.20 | 1173.60 | 98 | 1425.00 | |
| | 23 | 663.90 | | 23 | 928.80 | 1180.20 | 99 | 1431.60 | |
| | 24 | 676.80 | | 24 | 935.40 | 1186.80 | 100 | 1438.20 | |
| | 25 | 689.70 | | 25 | 942.00 | 1193.40 | | | |
| | 26 | 702.60 | | 26 | 948.60 | 1200.00 | | | |
| | 27 | 715.50 | | 27 | 955.20 | 1206.60 | | | |
| | 28 | 728.40 | | 28 | 961.80 | 1213.20 | | | |
| | 29 | 741.30 | | 29 | 968.40 | 1219.80 | | | |
| | 30 | 754.20 | | 30 | 975.00 | 1226.40 | | | |
| | 31 | 767.40 | | 31 | 981.60 | 1233.00 | | | |
| | 32 | 774.00 | | 32 | 988.20 | 1239.60 | | | |
| | 33 | 780.60 | | 33 | 994.80 | 1246.20 | | | |
| | 34 | 787.20 | | 34 | 1001.40 | 1252.80 | | | |
| | 35 | 793.80 | | 35 | 1008.00 | 1259.40 | | | |
| | 36 | 800.40 | | 36 | 1014.60 | 1266.00 | | | |
| | 37 | 807.00 | | 37 | 1021.20 | 1272.60 | | | |
| | 38 | 813.60 | | 38 | 1027.80 | 1279.20 | | | |

INTERMEDIATE CARE

POINTS COST

POINTS COST

POINTS COST

POINTS COST

POINTS COST

POINTS COST

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POINTS COST

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

APPENDIX A (continued)

Table 6 Health Service Area (HSA) IX including the following counties:

| POINTS | Will | Grundy | | Kankakee | | Kendall | |
|--------|------|-----------------------|-----------------|----------|--|---------|--------|
| | | SHELTERED CARE (W) | COST (G,K,K) | POINTS | SKILLED NURSING CARE NURSING POINTS | COST | POINTS |
| 1 | 1 | 414.30 | 402.30 | 1 | 703.80 | 1065.00 | 77 |
| 2 | 2 | 414.30 | 402.30 | 2 | 717.00 | 1071.90 | 78 |
| 3 | 3 | 414.30 | 402.30 | 3 | 730.20 | 1078.80 | 79 |
| 4 | 4 | 414.30 | 402.30 | 4 | 743.40 | 1085.40 | 80 |
| 5 | 5 | 414.30 | 402.30 | 5 | 756.60 | 1092.30 | 81 |
| 6 | 6 | 414.30 | 402.30 | 6 | 769.80 | 1098.90 | 82 |
| 7 | 7 | 414.30 | 402.30 | 7 | 783.30 | 1105.80 | 83 |
| 8 | 8 | 420.30 | 407.30 | 8 | 796.50 | 1112.70 | 84 |
| 9 | 9 | 426.30 | 412.30 | 9 | 809.70 | 1119.30 | 85 |
| | 10 | | | 10 | 822.90 | 1126.20 | 86 |
| | 11 | | | 11 | 836.10 | 1133.10 | 87 |
| | 12 | | | 12 | 849.60 | 1139.70 | 88 |
| | 13 | | | 13 | 862.80 | 1146.60 | 89 |
| | 14 | | | 14 | 876.00 | 1153.20 | 90 |
| | 15 | 578.70 | | 15 | 889.20 | 1160.10 | 91 |
| | 16 | 592.20 | | 16 | 902.40 | 1167.00 | 92 |
| | 17 | 605.40 | | 17 | 915.60 | 1173.60 | 93 |
| | 18 | 618.60 | | 18 | 922.50 | 1180.50 | 94 |
| | 19 | 631.80 | | 19 | 929.40 | 1187.40 | 95 |
| | 20 | 645.00 | | 20 | 936.00 | 1194.00 | 96 |
| | 21 | 658.20 | | 21 | 942.90 | 1200.90 | 97 |
| | 22 | 671.70 | | 22 | 949.80 | 1207.50 | 98 |
| | 23 | 684.90 | | 23 | 956.40 | 1214.40 | 99 |
| | 24 | 698.10 | | 24 | 963.30 | 1221.30 | 100 |
| | 25 | 711.30 | | 25 | 969.90 | 1227.90 | |
| | 26 | 724.50 | | 26 | 976.80 | 1234.80 | |
| | 27 | 738.00 | | 27 | 983.70 | 1241.70 | |
| | 28 | 751.20 | | 28 | 990.30 | 1248.30 | |
| | 29 | 764.40 | | 29 | 997.20 | 1255.20 | |
| | 30 | 777.60 | | 30 | 1004.10 | 1262.10 | |
| | 31 | 790.80 | | 31 | 1010.70 | 1268.70 | |
| | 32 | 804.60 | | 32 | 1017.60 | 1275.60 | |
| | 33 | 818.10 | | 33 | 1024.20 | 1282.20 | |
| | 34 | 831.60 | | 34 | 1031.10 | 1289.10 | |
| | 35 | 845.00 | | 35 | 1038.00 | 1296.00 | |
| | 36 | 858.40 | | 36 | 1044.60 | 1302.60 | |
| | 37 | 871.80 | | 37 | 1051.50 | 1309.50 | |
| | 38 | 885.20 | | 38 | 1058.40 | 1316.40 | |

DEPARTMENT OF REHABILITATION SERVICES

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

NOTICE OF PROPOSED REPEALER

APPENDIX A (continued)

Table 7 Health Service Area (HSA) XI including the following counties:

| Clinton | Madison | Monroe | St. Claire | | | | |
|--------------------------|--------------------------|--------------------------------|--------------------------------|------|---------|--------|---------|
| SHELTERED CARE POINTS | SHELTERED CARE POINTS | SKILLED NURSING CARE POINTS | SKILLED NURSING CARE POINTS | COST | COST | POINTS | COST |
| 1 | 402.30 | 1 | 631.80 | 39 | 960.90 | 77 | 1195.80 |
| 2 | 402.30 | 2 | 643.80 | 40 | 967.20 | 78 | 1202.10 |
| 3 | 402.30 | 3 | 655.80 | 41 | 973.20 | 79 | 1208.10 |
| 4 | 402.30 | 4 | 668.10 | 42 | 979.50 | 80 | 1214.40 |
| 5 | 402.30 | 5 | 680.10 | 43 | 985.50 | 81 | 1220.70 |
| 6 | 402.30 | 6 | 692.10 | 44 | 991.80 | 82 | 1226.70 |
| 7 | 402.30 | 7 | 704.10 | 45 | 998.10 | 83 | 1233.00 |
| 8 | 407.30 | 8 | 716.40 | 46 | 1004.10 | 84 | 1239.00 |
| 9 | 412.30 | 9 | 728.40 | 47 | 1010.40 | 85 | 1245.30 |
| | | 10 | 740.40 | 48 | 1016.17 | 86 | 1251.60 |
| | | 11 | 752.40 | 49 | 1022.70 | 87 | 1257.60 |
| | | 12 | 764.40 | 50 | 1029.00 | 88 | 1263.90 |
| | | 13 | 776.70 | 51 | 1035.00 | 89 | 1269.90 |
| | | 14 | 788.70 | 52 | 1041.30 | 90 | 1276.20 |
| | | 15 | 800.70 | 53 | 1047.60 | 91 | 1282.50 |
| | | 16 | 812.70 | 54 | 1053.60 | 92 | 1288.50 |
| | | 17 | 825.00 | 55 | 1059.90 | 93 | 1294.80 |
| | | 18 | 831.00 | 56 | 1065.90 | 94 | 1301.10 |
| | | 19 | 837.30 | 57 | 1072.20 | 95 | 1307.10 |
| | | 20 | 843.30 | 58 | 1078.50 | 96 | 1313.40 |
| | | 21 | 849.60 | 59 | 1084.50 | 97 | 1320.40 |
| | | 22 | 855.90 | 60 | 1090.80 | 98 | 1325.70 |
| | | 23 | 861.90 | 61 | 1096.80 | 99 | 1332.00 |
| | | 24 | 868.20 | 62 | 1103.10 | 100 | 1338.00 |
| | | 25 | 874.50 | 63 | 1109.40 | | |
| | | 26 | 880.50 | 64 | 1115.40 | | |
| | | 27 | 886.80 | 65 | 1121.70 | | |
| | | 28 | 892.80 | 66 | 1127.70 | | |
| | | 29 | 899.10 | 67 | 1134.00 | | |
| | | 30 | 905.40 | 68 | 1140.30 | | |
| | | 31 | 911.40 | 69 | 1146.30 | | |
| | | 32 | 917.70 | 70 | 1152.60 | | |
| | | 33 | 923.70 | 71 | 1158.90 | | |
| | | 34 | 930.00 | 72 | 1164.90 | | |
| | | 35 | 936.30 | 73 | 1171.20 | | |
| | | 36 | 942.30 | 74 | 1177.20 | | |
| | | 37 | 948.60 | 75 | 1183.50 | | |
| | | 38 | 954.60 | 76 | 1189.80 | | |

INTERMEDIATE CARE

- POINTS COST
- 518.10
 - 530.10
 - 542.10
 - 554.40
 - 566.40
 - 578.40
 - 590.40
 - 602.70
 - 614.70
 - 626.70
 - 638.70
 - 650.70
 - 663.70
 - 675.00
 - 687.00
 - 699.00
 - 711.30
 - 717.30
 - 723.60
 - 729.60
 - 735.90
 - 742.20
 - 748.20
 - 754.50
- 1) Heading of the Part: Non-Homemaker Service Provider
- 2) Code Citation: 89 Ill. Adm. Code 714
- 3) Section Numbers: Proposed Action:
 714.10 Repealed
 714.20 Repealed
 714.30 Repealed
 714.40 Repealed
 714.100 Repealed
 714.110 Repealed
 714.120 Repealed
 714.130 Repealed
 714.300 Repealed
 714.310 Repealed
 714.320 Repealed
- 4) Statutory Authority: Implementing and authorized by Sections 3(g) of The Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)).
- 5) A Complete Description of the Subjects and Issues Involved: In order to reorganize and clarify the Administrative Rules for the Home Services Program, all current Administrative Rules are being repealed and all new Administrative Rules are being proposed.
 The proposed Administrative Rules do not reflect programmatic changes, rather just clarification and consolidation of the program provisions.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this rulemaking contain incorporations by reference? No.
- 9) Are there any other proposed rulemakings pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.
- 11) Time, Place and Manner in which interested persons may comment on these proposed rulemakings: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

P.O.. Box 19429

Springfield, Illinois 62794-9429

Telephone number: (217)785-3896

TTY: (217)785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Repealers begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES

SUBCHAPTER d: HOME SERVICES PROGRAM

PART 714

NON-HOMEMAKER SERVICE PROVIDER REQUIREMENTS
(REPEALED)

SUBPART A: ELECTRONIC HOME RESPONSE SERVICES PROVIDER REQUIREMENTS

Section

714.10 Minimum Performance Standards

714.20 Electronic Home Response Center (EHRC) Equipment Specifications
(Central Station Receiving Equipment)

714.30 Electronic Home Response Service (EHRS) Home Unit Specifications
714.40 Compliance Requirements

SUBPART B: DAY CARE SERVICE PROVIDER REQUIREMENTS

Section

714.100 Staffing of Adult Day Care Service Component

714.110 Standard Requirements for Adult Day Care Providers

714.120 Adult Day Care Staff Positions, Qualifications and Responsibilities

714.130 Annual Compliance Review

SUBPART C: PERSONAL ASSISTANT REQUIREMENTS

Section

714.300 Personal Assistant (PA) Standards

714.310 Client/Provider Agreement

714.320 Annual Compliance Monitoring

AUTHORITY: Implementing and authorized by Section 3(g) of The Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)).

SOURCE: Adopted at 11 Ill. Reg. 7413, effective April 7, 1987; amended at 13 Ill. Reg. 8911, effective May 26, 1989; amended at 13 Ill. Reg. 15091, effective September 8, 1989; amended at 14 Ill. Reg. 3652, effective February 21, 1990; amended at 16 Ill. Reg. 16179, effective October 1, 1992; Part repealed at 18 Ill. Reg. _____, effective _____.

SUBPART A: ELECTRONIC HOME RESPONSE SERVICES
PROVIDER REQUIREMENTS

Section 714.10 Minimum Performance Standards

- a) An Electronic Home Response Service (EHRS) provider employee or volunteer installs the home unit, tests it and instructs the client in its use. These functions may not be subcontracted. The provider must

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be able to meet emergency needs for service and provide service within 48 hours from the initial referral.

- b) The EHRS provider and client arrange for several local emergency responders acceptable to the client and the EHRS provider provides instruction for them as to their role in EHRS.
- c) The Electronic Home Response Center (EHRC) provides 24-hour monitoring, responding promptly to incoming signals by calling the client and emergency responders and providing back-up assistance to insure proper handling of each emergency.
- d) The EHRS provider shall instruct the client at the time of installation to call the EHRS provider:
 - 1) monthly, to test the equipment (if no monthly call is received, the provider must contact the client to ensure that the equipment is working.);
 - 2) to request re-instruction in the use of the equipment, if necessary; and
 - 3) to update the information file.
- e) The EHRS provider must repair or replace a malfunctioning unit in the subscriber's home within 24 hours of reporting the malfunction. This function can not be subcontracted.
- f) The EHRS provider maintains records of all emergencies, tests, or events including hospitalization of clients, when as a result of incoming signal. These records must include the date and type of all emergencies, tests, or other events, and the provider's response to the incoming signal.
- g) In the event of an emergency, the EHRS provider must notify the client's referring physician, Home Service program counselor, social worker or designated responders provided by the client within 24 hours of the event.
- h) The Home Services Counselor will be contacted, as well as the client or responsible family member at least 48 hours prior to termination of services should the client be unable to operate the home remote control. This determination to terminate services is made by the provider based on direct observation by or information from the client, family members, vendors, and medical personnel. This contact must be followed up with a written verification, to the counselor, documenting the termination of services and its justification.
- i) The EHRS provider shall accept all cases referred for services by the Department.

Section 714.20 Electronic Home Response Center (EHRC) Equipment Specifications (Central Station Receiving Equipment)

a) General Description:

The EHRC equipment must be capable of receiving and displaying signals from the Home Communicator. It must have features to draw attention to incoming signals and to maximize reliability. The signal line to the response center can be cost free to the user but a long distance charge may be billed if the client does not reside in the area of the

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center.

- b) Minimum performance standards which must be met:
 - 1) The EHRC is a redundant computer-based digital receiving system designed to automatically answer incoming signals on a dedicated switched network telephone line, and display and print the messages, time, and date. A back-up battery power supply will take over should there be loss of line power or a single circuit failure.
 - 2) The primary receiver and back-up receiver are completely independent. Signals can be received and processed with only one of the receivers on line. When a call comes in to the EHRC the receiver will verify it is on line by sending a "ready" signal. Should one receiver fail, the other will automatically take over and receive and process the call.
 - 3) The EHRC displays and prints the time and date of the emergency signal, the client identification code, and describes the emergency in words or in coded format.
 - 4) The back-up power supply provides in excess of 8 hours of emergency response center operation in the event of alternating current (AC) power failure.
 - 5) The telephone line monitor gives audible and visual signals if the incoming telephone line is out of service for more than 1 minute.
 - 6) The equipment is capable of identifying every client account.
 - 7) The unit is self monitoring, indicating the status of fault conditions that exist, such as AC power out, phone line out, call received but no message, receiver inoperative, etc.
 - 8) The EHRC is certified under the Federal Communications Commissions' (FCC) regulations 47 CFR 15 and 68, October 1, 1985, with no later amendments.

Section 714.30 Electronic Home Response Service (EHRS) Home Unit Specifications

a) General Description:

Home units are attached to an individual's home phone line and are programmed in such a way that, in an emergency, a client can press a small, wireless, remote switch or button which he/she wears and which will activate the unit to summon help. The type of home unit remote control can vary, based on client's needs, to utilize sip and puff, patient down, or other features. The unit must have the ability to send a signal when help arrives at the individual's home.

b) Minimum Performance Features For Home Unit;

- 1) Two components are involved. The first is a small, wireless Personal Help Button. The second is a communicator which is attached to the person's phone line and, when activated, will dial a predetermined phone number and send an electronic message. There may be a long distance charge if client does not reside in area of EHRS.

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- 2) Personal Help Button
The Personal Help button is sufficiently small to be worn as a pendant or like a wristwatch. It must have the following characteristics:
 - A) Crystal or Surface Acoustic Wave resonator (SAW) controlled transmitter frequency for long term reliability.
 - B) Digital encoding for 10 or more combinations.
 - C) Activation within 175 feet of the person's Home Communicator when pressed (activated).
 - D) Internal battery life of 5 years.
 - E) Low battery signal transmission.
 - F) Certification under 47 CFR 15, October 1, 1985, with no later amendments.
- 3) Minimum standards required of the communicator are:
 - A) The communicator is an integrated unit for the home that connects to the person's phone line through a modular jack, and to the alternating current power source through an Underwriters Laboratory approved plug-in transformer.
 - B) The communicator is attached to the telephone line and does not interfere with normal use of the telephone. It has the capability of automatically seizing the telephone line, even when an extension phone is off the hook, dialing the number of the Electronic Home Response Center (EHRC) and sending a digital message identifying the person signaling, and, if applicable, indicating whether the signal is an active emergency (button pressed) or reset signal.
 - C) The communicator looks for a "ready" signal to insure that it is on line with the EHRC and a "confirmation" signal to insure that the message has been verified. If either of these signals is not received, the unit will "hang up" and try again.
 - D) The system is useful to both the visually and hearing impaired. When the communicator is activated, it gives both visual and audible indications of the alarm condition.
 - E) The controls of the communicator are easily explainable and usable by persons with disabilities. It must be possible to abort signals.
 - F) The communicator has a battery to provide at least 12 hours of operation in the event of a power failure. This battery is continuously charged when power is on. Should the battery become discharged, the communicator will send in a coded message to indicate a low battery condition.
 - G) The communicator must be certified under 47 CFR 68 and 15, October 1, 1985, with no later amendments or editions.

Section 714.40 Compliance Requirements

In order to participate in the Department of Rehabilitation Services (DORS) Home Service Program, the provider agrees to meet the following minimum

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- requirements which shall be reviewed annually for compliance.
- a) Organization and Administration
The provider shall make available, upon request, its articles of incorporation, or if unincorporated shall provide a statement of purpose and functions. The provider will make available, upon request, the names and addresses of owners, or its officers and directors.
 - b) Policies
The provider shall have written policies approved by its governing authority and available for review by consumers and purchasers of the service. Such policies shall include:
 - 1) Service Provided - Policy shall designate the type and scope of service provided. When more than one type of service is offered, there shall be a clear distinction between each type provided.
 - 2) Personnel Policies - Personnel policies shall be in writing and adopted by the provider's governing authority. Policies shall cover salary schedules, hours of work, sick leave, provision for handling grievances, and requirements for attendance at work conferences. There shall also be written job descriptions identifying required qualifications and duties for each job title.
 - c) Records and Reports
Reporting shall reflect information needed by the provider to plan, budget, administer, interpret and evaluate the program as follows:
 - 1) Records shall be maintained of all referrals and requests for service and their disposition;
 - 2) Client records shall include:
 - A) Dates and times of client active or inactive signaling and name of responder to each emergency signal;
 - B) Dates of monthly test calls from client to provider or from provider to client; and
 - C) Disposition of each emergency signalled.
 - 3) Administrative records shall include:
 - A) Service statistics and
 - B) Billing and payment records.
 - 4) Personnel records of EHRS center staff shall include:
 - A) Schedules and attendance records for all EHRS center staff;
 - B) Attendance by EHRS staff at in-service training; and
 - C) Annual performance evaluations.
 - 5) The above records shall be kept for at least five years or until all state and federal audits are completed. Authorized representatives of DORS and the U.S. Department of Health and Human Services shall have access to all records of the provider, the parent company, subsidiary agency and other interlocking company(s) as they relate to the agreement.
 - d) Evaluation
The provider shall have procedures for annual evaluation of its service, including both program and case evaluation procedures. The program evaluation shall consist of assessment of quality of service with specific recommendations to its governing authority for improving

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the service. Evaluation procedures shall provide for assessment of the effectiveness of the service in individual case situations as viewed by both the client and the provider.

- e) Services
The provider shall agree to provide EHRS services as specified in Sections 714.10-714.30.

- f) Liability
1) DORS assumes no liability for actions of the provider under the Rate Agreement.
2) The provider agrees to hold harmless DORS against any and all liability, loss, damage, cost or expenses arising from wrongful or negligent acts of provider, which DORS may sustain, incur or be required to pay.
3) The provider certifies that it has and will maintain adequate liability insurance coverage.
4) The provider agrees to provide to DORS a copy of the Certificate of Insurance.

- g) Applicable Law

The provider agrees to comply with all local, state and federal laws, regulations, and standards and DORS regulations and standards pertaining to this program.

- h) Non-discrimination

The provider agrees to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Section 504 of the Rehabilitation Act of 1973, as amended (34 CFR 104, 1980), the Illinois Human Rights Act (Ill. Rev. Stat. 1987, ch. 68, pars. 1-101, et seq.), the Constitution of the United States, the 1970 Constitution of the State of Illinois and any laws, regulations or orders, state or federal, which prohibit discrimination on the grounds of race, color, sex, religion, national origin, ancestry, age, marital status, inability to speak or comprehend the English language, physical or mental handicaps, or unfavorable discharge from military service.

- i) Confidentiality

The provider agrees that any information obtained concerning DORS clients shall remain confidential. The provider agrees not to disclose any such information without prior written approval of the Director of DORS and only for the purposes directly connected with the administration of the program and services, or as may be required by state or federal law.

- j) Certification of Non-bribery

The provider certifies that the provider has not been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has the provider made an admission of guilt of such conduct which is a matter of record, nor has any officer, official, agent, or employee of the provider been so convicted or made such an admission.

SUBPART B: DAY CARE SERVICE PROVIDER REQUIREMENTS

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

Section 714.100 Staffing of Adult Day Care Service Component

The Department of Rehabilitation Services (DORS) incorporates the Department on Aging's (DoA) rules, General Adult Day Care Staffing Requirements as set forth at 89 Ill. Adm. Code 240.1555.

Section 714.110 Standard Requirements for Adult Day Care Providers

- a) DORS shall require its Adult Day Care Providers to comply with DoA's Standard Requirements for Adult Day Care Vendors as set forth in 89 Ill. Adm. Code 240.1550.

- b) In addition, Adult Day Care Providers (Providers) must agree to provide the following services:

- 1) developing a client care plan;
- 2) assisting or arranging for personal care, hygiene and self-care training, if applicable;
- 3) leisure time activities and recreation;
- 4) assistance of a medical nature (medication, assessments, exercises);
- 5) meals and snacks; and
- 6) maintaining client records.

- c) Staff. In addition to the provisions of Section 714.100, the Provider shall employ a:

- 1) full-time Program Administrator;
- 2) the equivalent of a full-time Program Coordinator/Director;
- 3) Program Nurse, at least part-time who is on duty at least a portion of every standard work day; and
- 4) Nutrition Staff.

The Provider shall be in compliance with:

- 1) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794);
- 2) Illinois Human Rights Act (Ill. Rev. Stat. 1991, ch. 68, pars. 1-101 et seq.);
- 3) the Illinois Accessibility Code (71 Ill. Adm. Code 400); and
- 4) the Americans with Disabilities Act (42 U.S.C. 12101-12213).

- e) The Provider shall record administration of all medications and ensure that prescribed medication is administered to clients who are unable to self-administer medications. Judgment of a client's inability to self-administer medications will be documented by a physician licensed under the Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.), by a nurse licensed under the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 3501 et seq.) or the DORS Home Services care plan (89 Ill. Adm. Code 700).

- f) The Provider must have a record of how much pre-service training each employee has had and a record of in-service training of 12 hours/year for staff.

Section 714.120 Adult Day Care Staff Positions, Qualifications and Responsibilities

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Standards applied by DORS to adult day care staff positions, qualifications and responsibilities are those as set forth in DoA's rule 89 Ill. Adm. Code 240.1560, with the following modifications:

- a) in 89 Ill. Adm. Code 240.1560(a)(1)(A)(ii), substitute "program serving people with disabilities" for "program serving the elderly", and
- b) in 89 Ill. Adm. Code 240.1560(a)(2)(A)(ii), substitute "program serving people with disabilities" for "program serving the elderly".

Section 714.130 Annual Compliance Review

DORS shall complete an annual review of each Adult Day Care (ADC) Provider who has provided services to DORS clients during the preceding year, to ensure the Provider's compliance with requirements contained within Subpart B.

- a) The annual review shall be conducted on-site by the appropriate DORS Regional Administrator, or designee, using the Adult Day Care Review form (IL 488-2129). Written notification of the visit shall be sent to the Provider.
- b) Within 15 calendar days after completion of the review, a copy of the completed Review form and a cover letter stating the results shall be mailed to the Provider. Findings of non-compliance shall be noted in the letter including necessary action (e.g., need to hire a Program Nurse or increase its public liability insurance), time frames for complying and related follow-up (e.g., on-site visit, correspondence).
- 1) Providers in compliance shall receive an ADC Rate Agreement.
- 2) Providers not in compliance will not receive a Rate Agreement and must reapply as a new Provider.

- c) Providers not in compliance may appeal their rating by writing to the Manager of HSP Services. The HSP Manager shall review the review results, discuss the issue(s) with the Provider and HSP staff, and render a written decision on the appeal within 15 working days after receipt of the appeal.

SUBPART C: PERSONAL ASSISTANT REQUIREMENTS

Section 714.300 Personal Assistant (PA) Standards

The PA shall have a Social Security number and must:

- a) provide DORS with a copy of the Social Security card or other document that will verify this number.
- b) be at least 16 years of age and not employed during school hours, 17 years of age and a high school graduate, or 18 years of age or older.
- c) have:
 - 1) at least two recommendations, oral or written, from former or present employers,
 - 2) the recommendation of an Independent Living Center, or
 - 3) if never employed, at least two references from people other than relatives.
- d) be able to communicate with the client to the satisfaction of the

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client or client's representative (when the client is unable to make decisions or speak on his or her own behalf) and counselor.

- e) be able to follow directions to the satisfaction of the client or client's representative and counselor.
- f) complete and sign the Personal Assistant Agreement as specified in Section 714.310.

- g) have experience and/or specific training consistent with the tasks performed for the client in the home.

Section 714.310 Client/Provider Agreement

The PA shall:

- a) provide services in accordance with the client's service plan, as developed per 89 Ill. Adm. Code 700.100 (Service Plan Development).
- b) submit a monthly statement signed by the PA and each client verifying the amount of hours worked and wages earned. DORS shall not pay for more hours than authorized unless the client has received prior approval from DORS (e.g., episodes of acute illness requiring more care and the temporary absence of informal caregivers such as friends or family members requiring a temporary increase in purchased care).
- c) make available records in subsection (b) to DORS or to others designated by DORS (e.g., Health Care Financing Administration or Illinois Department of Public Aid).
- d) maintain all client information as confidential by not disclosing any information about clients, orally or in writing, to anyone other than those designated in writing by DORS staff.
- e) not subcontract the services to another individual or entity.
- f) provide services only while the client resides in the home. If the client moves from his/her home for any reason or is hospitalized or institutionalized, service shall not be provided.
- g) agree to the following and sign a Client/Provider Agreement, as specified in this Section. As the consumer of Personal Assistant Services, the client is responsible for locating, choosing, supervising, training and disciplining, if necessary, the PA. The State of Illinois does not provide paid vacation, holiday, or sick leave. Arrangements for schedules or time off are made by the client and the PA, but need to be reported to DORS per the Home Services Authorization of Services form (IL 488-1844) only for the purpose of processing payment. DORS reports to the Illinois Department of Employment Security (DES) payments made to the PA. A PA may choose to apply for unemployment benefits, but DES, not DORS, determines if the provider will receive benefits. The PA may apply for workers' compensation benefits, through DORS, and some clients may have workers' compensation insurance; however, DORS maintains it is not the PA's employer for the purposes of workers' compensation. No money will be withheld from the PA's wages by DORS for federal or state income taxes, or for any other purpose, except in accordance with administrative or judicial orders (e.g., court ordered child support or garnishment of wages). However, social security tax (FICA) shall be

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withheld by DORS on behalf of the client.

Section 714.320 Annual Compliance Monitoring

- a) Personal Assistants (PAs) will be monitored on an annual basis to ensure compliance with requirements contained within this Section. Monitoring shall be completed by the Home Services Program (HSP) counselor at the time of the client's annual reassessment (89 Ill. Adm. Code 698), based upon information provided by the client.
- b) The PA's compliance with service requirements shall be evaluated by the client, based upon:
 - 1) accuracy of work (e.g., ranging from making many errors to making few),
 - 2) cleanliness of working area (e.g., ranging from very untidy to exceptionally clean),
 - 3) use of working time (e.g., ranging from very wasteful to very effective),
 - 4) responsibility (e.g., ranging from irresponsible to responsible),
 - 5) attendance (e.g., ranging from frequently absent or late to always prompt), and
 - 6) attitude toward employer (HSP client) (ranging from disrespectful to respectful).
- c) Monitoring shall also include the client's assessment of the PA's compliance with requirements contained within Section 714.310.
- d) After completion of the monitoring, the HSP counselor will mediate any unresolved issue with the client and the PA.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Prescreening

- 2) Code Citation: 89 Ill. Adm. Code 681

- 3) Section Numbers: Proposed Action:

| | |
|--------|-----|
| 681.10 | New |
| 681.20 | New |
| 681.30 | New |
| 681.40 | New |
| 681.50 | New |
| 681.60 | New |
| 681.70 | New |

- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

- 5) A Complete Description of the Subjects and Issues Involved: In order to reorganize and clarify the Administrative Rules for the Home Services Program, all current Administrative Rules are being repealed and all new Administrative Rules are being proposed.

The proposed Administrative Rules do no reflect programmatic changes, rather just clarification and consolidation of the program provisions.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed rulemaking contain incorporations by reference? No.

- 9) Are there any other proposed rulemakings pending on this part? No.

- 10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
 TTY: (217) 785-9301

DEPARTMENT OF REHABILITATION SERVICES

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

NOTICE OF PROPOSED RULE

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rule begins on the next page:

Section

| | |
|--------|---|
| 681.10 | Who Must be Prescreened |
| 681.20 | DORS Prescreening Responsibilities |
| 681.30 | Prescreening Process |
| 681.40 | Time Frames for Action on Prescreenings |
| 681.50 | Outcome of Prescreening Process |
| 681.60 | Certification of Prescreening Results |
| 681.70 | Necessity of Prescreening |

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 18 Ill. Reg. _____, effective _____.

SOURCE: Adopted at 18 Ill. Reg. _____, effective _____.

Section 681.10 Who Must be Prescreened

Per Department of Public Aid (DPA) rules found at 89 Ill. Adm. Code 140.642, all individuals age 18 and older, who may seek Medicaid funding for ICF or SNF placement must be prescreened.

Section 681.20 DORS Prescreening Responsibilities

- a) DORS must prescreen any individual who is at least 18 years of age, but less than 60 years of age, who is seeking Medicaid funding for institutional placement as a result of a physical disability and/or has been diagnosed as having AIDS, AIDS related complex or HIV.
- b) DORS does not prescreen individuals who:
- 1) are less than 18 years of age, or 60 years of age or older;
 - 2) will have their institutional placement funded by a source other than Medicaid for at least 60 calendar days;
 - 3) are transferred from one ICF or SNF to another (e.g., ICF to ICF, SNF to SNF, ICF to SNF, SNF to ICF);
 - 4) resided in an ICF or SNF for a period of at least 60 calendar days who are returning to an ICF or SNF after an absence of not more than 60 calendar days;
 - 5) are returning to an ICF or SNF after an absence for medical care, regardless of the duration of the absence; or
 - 6) have a diagnosis of developmental disability or mental illness, regardless of age.

Section 681.30 Prescreening Process

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The major component of the Prescreening process is the completion of the DON. This assessment form, completed by the counselor, or appropriate representation of a cooperating social service agency/hospital who has been trained by DORS or DOA, from input by the customer, measures the level of impairment of an individual and the unmet need the individual has as a result of the impairment. Determination of eligibility for Medicaid payment for institutional care and eligibility for HSP services is based on the points earned in both of these categories and their totals. See Appendix A of this Part.

considered as a placement for the individual.

Section 681.40 Time Frames for Action on Prescreenings

- a) If a request for a prescreening is received by DORS from a cooperating social service agency/hospital which is providing DORS with customer information including a DON score, the counselor must act on the request within 2 working days.
- b) If a request for prescreening is received by DORS from a non-cooperating agency/hospital which will include only basic customer information (i.e., name, address, etc.), the counselor must act on the request within 10 working days.

Section 681.50 Outcome of Prescreening Process

As a result of the Prescreening, the individual will be determined as:

- a) eligible to receive Medicaid payment for institutional placement and therefore eligible to consider HSP as an alternative to institutional care; or
- b) ineligible to receive Medicaid payment for institutional placement. However, the individual may still be eligible to receive HSP services.

Section 681.60 Certification of Prescreening Results

- a) After the prescreening is completed, if the customer has chosen institutional placement, the counselor must complete an INTERAGENCY CERTIFICATION OF RESULTS/DETERMINATION OF IMMINENT RISK (DPA:2536) form and an OBRA 1 ID Screen form and forward the results to the nursing facility.
- b) Further, if the individual is eligible and has chosen institutional placement over HSP services, the customer must sign and date the appropriate form, indicating nursing home preference and that the customer has been informed of the availability of HSP services as an alternative to institutionalization and has chosen the institutional care.
- c) Results must be certified, as per (a) above, regardless of whether or not the individual is eligible.

Section 681.70 Necessity of Prescreening

It is not required that an individual undergo prescreening to apply for HSP services. Prescreening is only required when institutionalization is being

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NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Prescreening and Eligibility2) Code Citation: 89 Ill. Adm. Code 6903) Section Numbers: Proposed Action:

| | |
|---------|----------|
| 690.100 | Repealed |
| 690.200 | Repealed |
| 690.300 | Repealed |
| 690.400 | Repealed |

4) Statutory Authority: Section 3(g) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)) [20 ILCS 2405/3(g)].5) A Complete Description of the Subjects and Issues Involved: In order to reorganize and clarify the Administrative Rules for the Home Services Program, all current Administrative Rules are being repealed and all new Administrative Rules are being proposed.

The proposed Administrative Rules do not reflect programmatic changes, rather just clarification and consolidation of the program provisions.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No.7) Does this rulemaking contain an automatic repeal date? No.8) Does this rulemaking contain incorporations by reference? No.9) Are there any other proposed rulemakings pending on this Part? No.10) Statement of Statewide Policy Objectives (if applicable): This is not applicable to this Rulemaking.11) Time, Place and Manner in which interested persons may comment on these proposed rulemakings: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217)785-3896
TTY: (217)785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

DEPARTMENT OF REHABILITATION SERVICES

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12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Repealer begins on the next page:

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NOTICE OF PROPOSED REPEALER

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES

SUBCHAPTER d: HOME SERVICES PROGRAM

PART 690

PRESCREENING AND ELIGIBILITY DETERMINATION PROCESSES
(REPEALED)

| | |
|---------|-------------------------------------|
| Section | |
| 690.100 | Nursing Home Prescreening |
| 690.200 | Program Eligibility Determination |
| 690.300 | Verification of Eligibility Factors |
| 690.400 | Eligibility Period |

AUTHORITY: Section 3(g) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)) [20 ILCS 2405/3].

SOURCE: Adopted and codified at 7 Ill. Reg. 8923, effective July 18, 1983; amended at 14 Ill. Reg. 18577, effective November 5, 1990; amended at 17 Ill. Reg. 3675, effective March 8, 1993; Part repealed at 18 Ill. Reg. _____, effective _____.

Section 690.100 Nursing Home Prescreening

Per Department of Public Aid rules (89 Ill. Adm. Code 140.642), effective July 1983, all individuals age 18 and older who may be placed in Medicaid funded intermediate (ICF) or skilled nursing (SNF) long-term care facilities must be prescreened prior to Illinois Department of Public Aid (DPA) authorization of payment for care. Prescreening is the process whereby an individual is assessed to determine if the individual is in need of ICF or SNF level long-term care, and if so, if that care could be cost-effectively provided in the individual's home through the provision of the proper level of in-home services, or if the individual's only long-term care alternative is placement in an ICF or SNF long-term care facility. Individuals who are potentially eligible for both in-home care (Home Services Program - HSP) and nursing home care (NHC) may then choose between these alternatives.

- a) Per 89 Ill. Adm. Code 140.642 and agreements with Department on Aging (DOA) and Department of Mental Health and Developmental Disabilities (DMH-DD), after appropriate referral, DORS must prescreen all individuals with physical disabilities age 18 through 59, except for those classified as developmentally disabled (D.D.) and/or mentally ill (M.I.). D.D. includes those individuals who have mental retardation, cerebral palsy, epilepsy, autism or other conditions similar to mental retardation. To be considered D.D., the individual must be so diagnosed prior to age 22.

In cases involving M.I., the DMH-DD Pre-Admission Screening and Resident Review (PASARR) Agent may send an OBRA 1 ID Screen to DORS staff on some cases where there is indication that active treatment is not indicated and/or appropriate. DORS staff will then complete a

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DETERMINATION OF NEED (IL 488-2069) (89 Ill. Adm. Code 685.500) and **INTERAGENCY CERTIFICATION OF RESULTS--DETERMINATION OF IMMINENT RISK** (IL 488-1228) for nursing home placement providing the nursing home copies of the OBRA 1 ID Screen completed by DMH-DD and IL 488-1228 completed by DORS.

- b) Individuals who are not required to undergo prescreening include: those who will pay for nursing home care with financial resources other than Medicaid funds for more than 60 days; those who are transferring from one nursing home to another; those who are returning to a nursing home to another; those who are returning to a nursing home after an absence of less than 60 days; and those who are returning to a nursing home after an absence of more than 60 days where the absence was necessary to receive medical services. Individuals not required to undergo prescreening may be referred to HSP through established HSP application and eligibility determination procedures.
- c) Individuals to be prescreened may be hospitalized at the time or may be living in the community. Therefore, prescreening may require a cooperative effort between HSP staff and hospital, nursing home, and/or community health care professionals including physicians, as appropriate. However, the certification that prescreening has been accomplished for the DORS prescreening population must be completed by DORS staff or their designees.
- d) Prescreening does not necessarily require application to, nor eligibility determination for, HSP. The only requirement for prescreening is that the Determination of Need for Long-Term Care (DON) form (see 89 Ill. Adm. Code 685.500) be completed. An application for HSP, and an eligibility determination for HSP in whole or part, need to be completed only insofar as an individual is interested in pursuing HSP eligibility as an alternative to NHC. Therefore, depending on the individual's choice, and on the individual's suitability for HSP, the prescreening process may be variable.
- e) The DON assessment is utilized to determine the individual's need for long-term care, and is also part of the HSP eligibility determination. Individuals who on the DON, score at least 29 points total, with at least 15 of those points on Part A, are considered to be in need of long-term care at an ICF or SNF level. If they choose, these individuals may then be assessed as to potential for HSP eligibility which includes the feasibility of developing an adequate, individualized HSP service plan for less than or equal to the individualized projected cost of institutionalization. The client's physician must certify either that the client may be served safely at home, if eligible for Home Services, or that the client requires nursing home care and cannot be served in the home. Individuals whose scoring on the DON does not indicate a need for ICF or SNF level long-term care, but whose physicians indicate otherwise, may obtain a second physician's opinion through DPA, and that decision is binding. Decisions resulting from the prescreening process may be appealed

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is denied, or through DORS if HSP service provision

3) provide assistance in making an application if the client does not have an SSN but wishes to obtain one.

ication required on an urgent basis, as determined agency who referred the client to HSP for be accomplished in no more than two working days hospitalized individual where hospital staff provide assistance necessary information, and in no more than five working individual residing in the community. Urgent is defined need for long-term care placement within three days for a d individual and within one week for an individual residing community, where the need for such care could not reasonably seen anticipated sooner. Less than urgent requests for ing certification will be conducted as the needs of the al require.

teening certification results will be provided to the client, riate to the nursing home admitting the client, the practitioner arranging long-term care placement, and/or the se which may be authorizing NHC. Copies may be provided er interested parties with the consent of the client. ation is valid for 60 days.

Ability Determination

eligibility determination, information shall be to complete the following forms:

Information
Ability Determination Form

Service plan

by Determination Summary

ent's Statement
ent's eligibility determination involves cost sharing, the ast is required to sign a Cost Sharing Agreement.

ity determination process.
must meet all criteria, as defined in 89 Ill. Adm. Code 685

eligible for HSP services.
g the eligibility determination process that a client rmined not to meet any one of the eligibility criteria, the ty determination process will be concluded, and the

required to have a Social Security Number
p, the Department shall request the SSN of
upon client inquiry into this matter, shall:
that disclosure of or application for an SSN is

that the SSN will be used only in the
Department's programs.

Section 690.300 Verification of Eligibility Factors

a) Establishment of eligibility will include verification of disability, income, and assets. If the client is unable to provide all necessary information, or when information provided by the client is in conflict with other information available staff will obtain information from other sources and/or resolve the conflict. Citizenship/alien status is to be verified only if a person was born outside the U.S. or is an alien. Address is to be verified only if conflicting information raises a doubt about residence. Age needs to be verified for existing clients over age 64 for whom a disability determination is not done, and, if necessary, to ensure that applicants to the program are under age 60 at the time of application.

b) Verification of eligibility factors, as necessary, is to be obtained by local office staff from the client or through contact with sources other than the client, such as individuals, employers, other agencies, etc. The client is required to cooperate in the verification process. Cooperation includes providing written consent to assist in obtaining information from sources other than the client.

Section 690.400 Eligibility Period

For clients determined eligible for HSP, their period of eligibility for services shall not exceed 12 months, or 3 months for clients served under the AIDS Waiver. The first day of the eligibility period for clients determined eligible is the day on which HSP service provision is initiated or the completion date of the formal eligibility determination (see 89 Ill. Adm. Code 693.100), whichever occurs first. In no case can the eligibility period begin prior to the date of application. Eligibility continues for the 11 months following the month in which the eligibility period began, or 2 months for clients served under the AIDS Waiver, unless changes in the client's situation cause a redetermination to be conducted sooner. The date of redetermination constitutes the first day of a new 12 month eligibility period for clients who continue to be eligible, or 3 month eligibility period for client served through the AIDS Waiver.

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NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Program Description2) Code Citation: 89 Ill. Adm. Code 6753) Section Numbers: Proposed Action:

675.100 Repealed

675.200 Repealed

675.300 Repealed

4) Statutory Authority: Implementing and authorized by Section 3(g) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991 Supp., ch. 23, par. 3434(g)) (see Public Act 86-908, effective January 1, 1990) [20 ILCS 2405/3(g)].5) A Complete Description of the Subjects and Issues Involved: In order to reorganize and clarify the Administrative Rules for the Home Services Program, all current Administrative Rules are being repealed and all new Administrative Rules are being proposed.

The proposed Administrative Rules do not reflect programmatic changes, rather just clarification and consolidation of the program provisions.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No.7) Does this rulemaking contain an automatic repeal date? No.8) Does this rulemaking contain incorporations by reference? No.9) Are there any other proposed rulemakings pending on this Part? No.10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

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DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

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12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Repealers begins on the next page:

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NOTICE OF PROPOSED REPEALER

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 675

PROGRAM DESCRIPTION
(REPEALED)

Section
675.100 Purpose and Scope
675.200 Definitions
675.300 Service Descriptions

AUTHORITY: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of persons with one or more disabilities " (Ill. Rev. Stat. 1988 Supp., ch. 23, par. 3434(g) as amended by Public Act 86-908, effective January 1, 1990).

SOURCE: Adopted and codified at 7 Ill. Reg. 8918, effective July 18, 1984; amended at 9 Ill. Reg. 8173, effective June 1, 1985; amended at 11 Ill. Reg. 7746, effective April 8, 1987; amended at 12 Ill. Reg. 7712, effective April 19, 1988; amended at 12 Ill. Reg. 18240, effective October 27, 1988; amended at 13 Ill. Reg. 6768, effective April 14, 1989; amended at 14 Ill. Reg. 3222, effective February 15, 1990; Part repealed at 18 Ill. Reg. _____, effective _____.

Section 675.100 Purpose and Scope

The Department of Rehabilitation Services' Home Services Program (HSP) is designed to prevent unnecessary institutionalization of individuals who may instead be satisfactorily maintained at home at less cost to the State. Home Services Program care consists of home and community based services which vary depending on the needs and requirements of each individual client. These services include: personal assistant services; adult day care services; homemakers; maintenance home health services; home delivered meals; electronic home response services; assistive equipment; remodeling; services to ventilator dependent clients; and respite services.

Section 675.200 Definitions

"Client" - A pre-applicant or recipient of Home Services; or, by reference, a designated representative of the client.

"DORS" - Illinois Department of Rehabilitation Services

"HSP" - Home Services Program.

"Home" - A private residence, where the person with a disability lives either alone, or with his/her family (as defined in 89 Ill. Adm. Code

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687.100(f)) or attendant, but not an intermediate care or skilled nursing facility as defined by the Department of Public Health at 77 Ill. Adm. Code 300.330, or any residential program provided or supported by the Department of Mental Health - Developmental Disabilities as set forth in 59 Ill. Adm. Code 120. This definition also includes domestic violence shelters, as defined in Section 1 (c) of "AN ACT in relation to domestic relations and domestic violence shelters and service programs" (Ill. Rev. Stat. 1985, ch. 40, par. 2401(c)).

"Local Office Staff" - DORS counselors, case service coordinators, and rehabilitation services supervisors.

"Medicaid" - Medical Assistance under Title XIX of the Social Security Act (42 U.S.C., 1396 et seq.).

"Medicaid Funding" - Federal funds appropriated through Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

"Physician" - A licensed Doctor of Medicine (M.D.) or Doctor of Osteopathy (D.O.).

"SSA" - Social Security Administration.

"SSDI" - Social Security Disability Insurance, administered by SSA.

"SSI" - Supplemental Security Income, administered by SSA.

"Verification" - The authentication of truth or accuracy by such means as statements, documentary evidence, measurements, or attendant circumstances.

Section 675.300 Service Descriptions

a) Personal Assistant (PA) Services - Under the supervision of the client, or other person who has agreed to provide such supervision, the PA may:

- 1) perform, or assist the client with, household tasks and personal care;
- 2) perform incidental health care tasks which do not require independent judgement, with permission of the client's physician, client or family; and/or
- 3) perform minimal tasks, such as turning a client in bed during the night, or getting the client a glass of water, but primarily involves being available to provide assistance in case of a life or health threatening emergency, such as evacuation in case of fire, moving the client to a safe location in case of tornado, or calling an ambulance if required by a medical emergency.

b) Adult Day Care Service

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1) Adult Day Care service is the direct care and supervision of clients in a community-based setting for any portion of a 24-hour day for the purpose of providing personal attention, promoting social, physical and emotional well being, and offering an alternative to institutional care.

2) The service shall be provided only under the following conditions:

A) Adult Day Care services will be purchased only when the social, physical or emotional needs of the client cannot be met in the home environment by other services available through the Home Services Program.

B) The maximum daily rate for Adult Day Care services shall not exceed the rate established by the Department on Aging for said services. This rate includes meals, snacks, and in some centers transportation provided by the provider.

C) The service cost maximum (89 Ill. Adm. Code 685.600(a)) for each client shall not be exceeded when Adult Day Care services are purchased in addition to other Home Services purchased by DORS.

c) Homemaker - General support may be provided by trained and professionally supervised homemakers to maintain, strengthen, and safeguard the functioning of individuals in their own homes when no responsible and capable person is available for this purpose. Such support includes teaching of and assistance with household management and self-care.

d) Maintenance Home Health Services - These services may be purchased for individuals at home or other non-institutional residence according to a plan of treatment for illness or infirmity prescribed or recommended by a physician or other health care professional. Maintenance Home Health Services include three basic subcategories of care: nursing care including that provided by registered and licensed practical nurses who provide direct acute health care and who also supervise the services of home health aides; therapy including the services of physical, occupational, and speech therapists; and home health aide care which includes a wide range of personal convalescent and maintenance health care tasks performed by home health aides under the supervision of nurses.

e) Home-Delivered Meals - Prepared food brought to a client's residence during the lunch hour, consisting of a heated luncheon meal and a smaller dinner meal which can be refrigerated and eaten later, or other plan which meets the needs of the client. This service is designed primarily for clients who are unable to prepare their own meals but who are able to feed themselves.

f) Electronic Home Response Services (EHRS)

1) The EHRS is designed to provide a 24 hour per day emergency communication link to assistance outside the home for individuals so severely disabled that they are incapable of using conventional or modified communication devices such as the telephone, and who have no other persons available in the home

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should an emergency arise. EHRS provides a mode by which persons with disabilities who are left alone may signal an Electronic Home Response Center and obtain help. An Electronic Home Response Center is part of a network of emergency responders.

2) This service shall be purchased only under the following conditions:

A) EHRS will be purchased only for individuals the HSP counselor determines are able to follow instructions and who can operate the communication system. The counselor's determination is based upon observation or information from the client, providers, family or medical personnel.

B) EHRS will be purchased only to provide services in case of emergency where the client would, without the provision of EHRS, be unable to be left alone. EHRS is also purchased to replace personal assistant services which require no active direct or indirect client care.

C) The EHRS monthly service fee will be less than that of the provider services which would otherwise be necessary if EHRS were not purchased. The service fee will not exceed \$40.00 in any case and the one-time installation cost will not exceed \$45.00 for vendor services plus any itemized charges by local telephone company necessary for installation.

D) DORS will rent or lease rather than purchase the devices necessary for this service.

E) The service cost maximum for each client shall not be exceeded when EHRS (monthly rate plus installation cost) is purchased in addition to other Home Services purchased by HSP funds. If necessary to remain within the service cost maximum, the one-time installation cost can be amortized over a 3 month period.

g) Assistive Equipment

1) Assistive Equipment is tangible personal property with a useful life of at least one year, expressly designed and used for increasing independent functioning in specific tasks or activities of independent living in the home (e.g., bathing, meal preparation) that directly results in a demonstrated decrease in need for assistance from another individual in performing those tasks or activities (e.g., purchase of bath rails could decrease need for assistance for an individual to assist the client with bathing, or purchase of a microwave could reduce the need for an individual to cook for the client).

2) DORS shall approve the purchase of any equipment such as bath rails and walkers with HSP funds under the following circumstances:

A) The purchase must be necessary to prevent institutionalization and to maintain the client in the home.

B) All other public service and governmental resources including DORS' Vocational Rehabilitation Program (89 Ill. Adm. Code: Chapter IV, Subchapter b) must be investigated

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and appropriate applications made and denied in writing before HSP dollars are used, (as documented in the counselor's case notes). The responsibility to make investigation and assist the client with application belongs to the counselor.

- C) If necessary, the purchase price can be amortized over a 12 month period to remain within the service cost maximum.
- D) The purchase must reduce the need for an existing HSP service, prevent an increase in services to meet increased needs or allow the complete discontinuance of HSP services.
- E) Purchases over \$500 require the client to select three prospective vendors. The vendors will be requested by DORS to submit estimates, based upon the purchase specifications provided by DORS.
- F) There must be a prescription or recommendation from a physician, psychiatrist, or physical therapist for the purchased equipment.

3) DORS shall approve the rental of assistive equipment under the following circumstances:

- A) The rental and use must be necessary to prevent institutionalization and to maintain the client in the home.
- B) All other public service and governmental resources (e.g., Easter Seals, Department of Public Aid, University of Illinois Division of Services for Crippled Children) including DORS' Vocational Rehabilitation Program (89 Ill. Adm. Code: Chapter IV, Subchapter b) must be investigated and appropriate applications made and denied in writing before HSP dollars are used (as documented in the counselor's case notes). The responsibility to make investigation and assist the client with application belongs to the counselor.
- C) The monthly rental price of the equipment, when added to other monthly service costs must not exceed the service cost maximum (see 89 Ill. Adm. Code 685.600(a)).
- D) The rental must prevent an increase in existing HSP services to meet increased needs, reduce the need for an existing HSP service or allow the complete discontinuance of HSP services.
- E) There must be a prescription or recommendation from a physician, psychiatrist, or physical therapist for the rented equipment.
- F) The rental of equipment shall not exceed a 12 month period. The accumulative 12 month rental cost cannot exceed the purchase cost of the equipment.
- G) The cumulative rental price will be applicable to the purchase price if the client's need for the equipment exceeds one year.
- H) Repair and replacement of rental equipment is the responsibility of the vendor.

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4) DORS shall approve the repair of assistive equipment under the following circumstances:

- A) The repair and use of the assistive equipment must be necessary to prevent institutionalization and to maintain the client in the home.
- B) All other public service and governmental resources (e.g., Easter Seals, Department of Public Aid, University of Illinois Division of Services for Crippled Children) including DORS' Vocational Rehabilitation Program (89 Ill. Adm. Code: Chapter IV, Subchapter b) must be investigated and appropriate applications made and denied in writing before HSP dollars are used, (as documented in the counselor's case notes).
- C) If necessary, the repair cost can be amortized over a 12 month period to remain within the service cost maximum (see 89 Ill. Adm. Code 685.600(a)).
- D) The repair must prevent an increase in existing HSP services to meet increased needs.
- E) The price for repair must be cost effective considering both replacement cost and the anticipated replacement date of the equipment.
- h) Remodeling is modification of a home environment to enable HSP clients to be less dependent on direct assistance from others, to help compensate for their loss of agility, strength, mobility, sensation, and to increase their safety or mobility in the home.
 - 1) The following criteria must be met to use HSP funds for remodeling:
 - A) The purchase must be necessary to prevent institutionalization and to maintain the client in the home.
 - B) All other public service and governmental resources including DORS' Vocational Rehabilitation Program (89 Ill. Adm. Code: Chapter IV, Subchapter b) must be investigated and appropriate applications made and denied in writing before HSP dollars are used, (as documented in the counselor's case notes). The responsibility to make investigation and assist the client with application belongs to the counselor.
 - C) If necessary, the purchase price, can be amortized over a 12 month period to remain within the service cost maximum.
 - D) The purchase must be part of or attached to the client's home (Section 675.200).
 - E) For purchases which cannot be detached after installation the client must either own the residence or must have permission of a landlord if renting or leasing. Counselors shall deny purchases of remodeling whenever the client's history as a tenant, the landlord's past practices, or other circumstances indicate that it is more likely than not that the client will move from the residence before the end of the period specified in subsection (C) above. In making

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this decision, counselors shall consider whether there is in existence a 12-month lease or whether, in the absence of a lease, the client has resided at least two years at the residence to be remodeled.

F) The purchase must reduce the need for an existing HSP service, prevent an increase in service, or allow the complete discontinuance of HSP services.

2) Purchases over \$500 are subject to the same provisions as contained in subsection (g) (2)(E).

i) Home services to ventilator dependent clients with special needs

1) Ventilator dependent clients with special needs are:

A) those individuals in a hospital who meet the criteria for a Department of Public Aid (DPA) special negotiated rate (89 Ill. Adm. Code 140.569); or

B) those individuals in a nursing home who have a DPA special negotiated rate; and

C) whose costs of care in their own homes would exceed the service cost maximum.

2) Home services shall not be provided to ventilator dependent clients with special needs when the cost for this service is more than the special negotiated rate established by DPA.

j) Respite Services is temporary care for adults and children with disabilities. Aimed at relieving stress for clients' families, Respite Services shall be provided for vacation, rest, errands, family crisis or emergency.

1) Respite Services includes Personal Assistant (PA), Homemaker, and Maintenance Home Health (individual or agency) services, as described in subsections (a), (c) and (d), respectively. Respite Services may include a single type of care or a combination of services, (e.g., Personal Assistant or Personal Assistant and Homemaker, Maintenance Home Health and Personal Assistant) based on the client's need.

2) Respite Services may be used in weekly increments but for no more than 240 total hours per fiscal year, for all services combined.

3) Respite Services authorized either monthly or weekly shall not exceed the client's service cost maximum (89 Ill. Adm. Code 685).

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

1) Heading of the Part: Program Description

2) Code Citation: 89 Ill. Adm. Code 676

3) Section Numbers: Proposed Action:

| | |
|---------|-----|
| 676.10 | New |
| 676.20 | New |
| 676.30 | New |
| 676.40 | New |
| 676.100 | New |
| 676.110 | New |
| 676.120 | New |
| 676.130 | New |
| 676.140 | New |
| 676.150 | New |
| 676.200 | New |
| 676.210 | New |
| 676.300 | New |
| 676.310 | New |

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) A Complete Description of the Subjects and Issues Involved: In order to reorganize and clarify the Administrative Rules for the Home Services Program, all current Administrative Rules are being repealed and all new Administrative Rules are being proposed.

The proposed Administrative Rules do not reflect programmatic changes, rather just clarification and consolidation of the program provisions.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this rulemaking contain incorporations by reference? No.

9) Are there any other proposed rulemakings pending on this Part? No.

10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

DEPARTMENT OF REHABILITATION SERVICES

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Ms. Susan Warner, Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, Illinois 62794-9429

Telephone number: (217)785-3896
 TTY: (217)785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rule begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
 SUBCHAPTER d: HOME SERVICES PROGRAM

PART 676
 PROGRAM DESCRIPTION

SUBPART A: GENERAL PROGRAM PROVISIONS

Section
 676.10 Program Purpose and Types
 676.20 General Program Accessibility
 676.30 Definitions
 676.40 Service Description

SUBPART B: CASE MANAGEMENT

Section
 676.100 Case Files
 676.110 Sharing of Customer Information Between HSP and Other DORS Programs
 676.120 Documentation of Information
 676.130 Required Customer Signatures and Information
 676.140 Application by DORS Employees, Individuals Holding Contracts with DORS, DORS Advisory Council Members, Family Members of DORS Employees, or Close Friends of DORS Employees
 676.150 Geographic Case Assignment

SUBPART C: VENDOR PAYMENT

Section
 676.200 Vendor Payment
 676.210 Reporting and Collection of Misspent Funds

SUBPART D: REFERRAL TO DEPARTMENT ON AGING (DOA)

Section
 676.300 Criteria for Referral to DOA
 676.310 Disposition of Cases not Appropriate for Referral to DOA

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 18 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROGRAM PROVISIONS

Section 676.10 Program Purpose and Types

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- a) The Department of Rehabilitation Services' (DORS) Home Services Program (HSP) is a Medicaid Waiver (42 CFR 440.180) program designed to prevent the unnecessary institutionalization of individuals who may instead be satisfactorily maintained at home at a lesser cost to the State.
- b) The Medicaid Waiver for the State of Illinois is administered by the Illinois Department of Public Aid (DPA), as the State's approved Medicaid agency. The operational responsibility for HSP, with the exception of Level II customer appeals (see 89 Ill. Adm. Code 510), rests with DORS.

Section 676.20 General Program Accessibility

- a) All communications given or sent to a customer shall be in a language, medium, and at a level which the customer can understand.
- b) All locations in which customer meetings are held must be accessible for the customer and afford the maximum confidentiality for the customer.

Section 676.30 Definitions

For the purposes of this Subchapter, unless otherwise stated, the following terms shall have the following meanings.

- a) Activities of Daily Living (ADLs) - those tasks an individual must do, or which an individual must have provided for him/her in order to prevent institutionalization (i.e., bathing, dressing, shopping, cooking, housekeeping, etc.).
- b) Customer - anyone who:
 - 1) has been referred to HSP for a determination of eligibility for services;
 - 2) has applied for services through HSP;
 - 3) is receiving services through HSP;
 - 4) has received services through HSP; or
 - 5) is a parent, family member, guardian, or duly authorized representative of the individual, as appropriate.
- c) Counselor - for the purposes of this Subchapter, the term counselor shall mean the DORS staff person in the local DORS office who has the responsibility for the day-to-day management of the HSP case and Case Managers for the AIDS Medicaid Waiver Program.
- d) Determination of Need (DON) - the assessment tool used to determine an individual's non-financial eligibility for HSP services based on the individual's impairment and need for care. This form measures the level of risk of institutionalization for the individual.
- e) DORS - Illinois Department of Rehabilitation Services
- f) DPA - Illinois Department of Public Aid
- g) Family - any one related by blood, marriage, or adoption to the individual seeking services through HSP or anyone with whom the individual has a close inter-personal relationship and who resides with the individual.

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- h) Family Unit - for the purposes of determining financial eligibility, the number of persons derived when counting the individual seeking services through HSP and the number of persons in the household who are legally responsible for the individual seeking services and for whom the individual seeking services is legally responsible.
- i) HCFA - the Federal Health Care Financing Administration
- j) HSP - the Home Services Program
- k) Home - a private residence where the customer lives which is not an intermediate care or skilled nursing facility as defined at 77 Ill. Adm. Code 300, or a residential program operated by, or for which funding is provided by, the Illinois Department of Mental Health and Developmental Disability as defined at 59 Ill. Adm. Code 120. For the purpose of this Subchapter, the term "home" shall include domestic violence shelters as defined in Section 1(c) of the Domestic Violence Shelter Act (20 ILCS 2210/1(c)).
- l) Intermediate Care Facility (ICF) - a nursing facility that provides regular health related care to its residents, as well as those services necessary for safe and adequate living.
- m) Individual - the specific person to whom services are provided to through HSP.
- n) Legally Responsible Family Member - a spouse, parent or a child who is 20 years of age or under, or a legal guardian of an individual who is under age 18.
- o) Medicaid - the Medicaid program administered by DPA under the Public Aid Code [305 ILCS 5/11].
- p) Medicaid Waiver - the waiver allowing HSP to claim federal reimbursement for approved levels of in-home care for individuals who would otherwise be placed in institutions for such care. The Medicaid Waiver is overseen at the federal level by HCFA.
- q) Personal Assistant (PA) - an individual employed by the customer to provide varied services approved by the customer's physician in the customer's home through HSP.
- r) Physician - a licensed doctor of medicine (M.D.) or doctor of Osteopathy licensed pursuant to the Medical Practice Act [225 ILCS 60].
- s) Prescreening - an assessment to determine an individual's need for institutional care at the ICF or SNF level care, to ensure Medicaid payment for such a placement is appropriate, and the assessment as to whether or not HSP services are an appropriate alternative to institutional care for the individual.
- t) Service Cost Maximum (SCM) - the maximum monthly amount which may be expended for HSP services for an eligible individual. This amount is determined based on the individual's DON score and the specific programmatic component of HSP through which the individual is being served.
- u) Service Plan - specifically, the HOME SERVICES PROGRAM SERVICE PLAN (IL 488-1049) or HOME SERVICES PROGRAM SERVICE PLAN ADDENDUM (IL 488-1050) forms, on which all services to be provided an individual through HSP are listed.

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- v) Services - The necessary tasks provided to an individual, in one or more of the areas listed in Section 676.40 and listed on the individual's Service Plan, through HSP with the intent of preventing the unnecessary institutionalization of the individual.
- w) Skilled Nursing Facility (SNF) - A facility that provides regular and on-going nursing level care to its residents due to the residents' medical conditions, as well as those services necessary for safe and adequate living.

Section 676.40 Service Description

The following is a listing of the services available through HSP. The service level, combination of services, and amount of services for which an individual is eligible is dependent upon the needs of the individual as determined during the determination of eligibility (See 89 Ill. Adm. Code 681).

- a) Personal Assistant (PA) Services - services provided by an individual under the supervision of the customer. Services provided by a PA must be approved by the customer's physician.
- b) Adult Day Care (ADC) Services - direct care and monitoring of customers in a community-based setting for any portion of a 24-hour day for the purpose of promoting social, physical, and emotional health and well being and offering an alternative to an institutional setting.
- c) Homemaker Services - general support provided by trained and professionally supervised individuals to maintain, strengthen, and safeguard the functioning of an individual in his/her home when no responsible person is available or capable of monitoring such services. Such services include the actual completion of, and the training in, completion of ADLs.
- d) Maintenance Home Health Services - services provided for an individual, in his/her home, in accordance with a care plan prescribed or recommended by a physician or other health care professional. These services include three basic categories of care, which are:
 - 1) direct health care provided by a registered nurse (RN) and/or a licensed practical nurse (LPN);
 - 2) direct health care provided by a Certified Nurse Aid (CNA) who is supervised by a RN or LPN; and
 - 3) in-home therapy, including the areas of physical, occupational and speech therapy.
- e) Home Delivered Meals - prepared food brought to the individual's home. Usually, home delivered meals consist of a hot lunch and a smaller dinner meal that may be refrigerated and eaten later. These services are provided when available and when more cost effective than PA services for an eligible individual who has a need for care in the area of meal preparation but who can adequately feed him/herself.
- f) Electronic Home Response Services (EHRS) - a 24-hour per day emergency

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communication link to assistance outside the individual's home for individuals who have no other persons available for assistance should an emergency arise.

- g) Assistive Equipment - items with a useful life of at least one year expressly designed and used by an individual to increase his/her independence in completion of his/her ADLs. When provided, assistive equipment must result in a current or anticipated decrease in, or the elimination of, any need for assistance from another individual in the completion of ADLs. Assistive equipment may be purchased, rented, or repaired, depending on the needs and anticipated needs of the individual.
- h) Environmental Modification - services to physically change the individual's home so that he/she may be more independent in the completion of his/her ADLs. Provision of environmental modification services must result in a decrease in, or elimination of assistance from another individual in the completion of ADLs.
- i) Respite Services - Limited PA, Homemaker, and Maintenance Home Health services provided to an individual to provide for his/her ADLs during periods of time it is necessary for the family/primary care giver to be absent. Respite services are provided to an individual to allow the family/primary care giver relief for vacations, rest, errands, family crises and emergency situations. Respite services are provided in the maximum amount of 240 hours per calendar year and are provided regardless of financial need. DON score points for respite services differ from those of regular HSP services (see 89 Ill. Adm. Code 679.40).

SUBPART B: CASE MANAGEMENT

Section 676.100 Case Files

A separate case file will be kept for each individual served through HSP regardless of his/her customer status for any other program of DORS. Each case will have a separate and unique case number.

Section 676.110 Sharing of Customer Information Between HSP and Other DORS Programs

- a) All information received by DORS for the purpose of providing HSP services to an individual shall only be used for such purposes and may not be shared with any other program of DORS unless the individual consents to the release of such information and a release of information is signed by the customer authorizing the release.
- b) No information may be obtained from a case file of another program of DORS by HSP for the purposes of providing services to an individual unless the individual consents to the release of such information and a release of information is signed by the customer authorizing the release.

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Section 676.120 Documentation of Information

All records and information which may effect the determination of an individual's eligibility, services, or future services must be maintained in the customer's case file.

Section 676.130 Required Customer Signatures and Information

In order to receive services, or continue to receive services, a customer is required to sign all forms, and supply any information required to complete those forms, which are necessary to comply with all applicable State and Federal laws or the provisions of the Medicaid Waiver or are necessary to process payments through the Comptroller's Office. An individual receiving PA services must also sign the Customer/Provider Agreement, pursuant to 89 Ill. Adm. Code 686.10.

Section 676.140 Application by DORS Employees, Individuals Holding Contracts with DORS, DORS Advisory Council Members, Family Members of DORS Employees, or Close Friends of DORS Employees

- a) At any time a DORS employee, an individual holding a contract with DORS, a DORS Advisory Council member, a family member of a DORS employee, or a close friend of a DORS employee applies for services from DORS, and it is brought to the attention of the counselor, the counselor must notify his/her supervisor who shall notify the Regional Administrator (RA) in writing.
- b) After review of the situation, the RA shall make assignment of the case to an appropriate staff member to ensure propriety of services.
- c) For the purposes of this Section, "family member" shall mean spouse, sibling, child, parent, parent-in-law, sibling-in-law, or any other blood relative who resides in the household of the employee or employee's spouse.
- d) For the purpose of this Section, "close friend" shall mean any individual who has such a relationship with the employee that would cause a conflict of interest or the appearance of impropriety.
- e) Any employee who knows of or suspects that services to another DORS employee, individual who holds a contract of a DORS employee, or close friend of a DORS employee have not been reported as required in (a), above, shall report the situation to his/her immediate supervisor. The immediate supervisor must investigate the situation and take appropriate action. Appropriate action may include reassignment of the case and discipline of the employee violating these requirements if there is evidence the employee knew the individual to be an individual described in (a), above and failed to report the situation.

Section 676.150 Geographic Case Assignment

A customer will be served by the office which is assigned the geographic area of the customer's residence. Exceptions to such assignment may be made only

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with the written approval of the Regional Administrator, Division Manager - Division of Home Services, or Deputy Director.

SUBPART C: VENDOR PAYMENT

Section 676.200 Vendor Payment

No payment will be made to any vendor unless the services for which the payment is to be made were approved by DORS. Further, no payment shall be made until after service has been rendered and verified.

Section 676.210 Reporting and Collection of Misspent Funds

Any funds authorized through HSP thought to have been misspent shall be reported and collected, as appropriate pursuant to DORS' rules found at 89 Ill. Adm. Code 527 - Misspent Funds.

SUBPART D: REFERRAL TO DEPARTMENT ON AGING (DOA)

Section 676.300 Criteria for Referral to DOA

In accordance with the provisions of the interagency agreement between DORS and DOA, individuals meeting the following criteria shall be referred to DOA to receive services through DOA's Community Care Program (CCP) and their HSP cases closed after the initiation of CCP services. These individuals are those who:

- a) are at least 60 years of age at the time of the referral to DOA;
- b) are receiving only homemaker services, adult day care services, home delivered meals, or any combination of these services; and
- c) have a DON score of at least 15 points on Part A which includes the 10 points from the Mini-Mental Status Examination (89 Ill. Adm. Code 679.20(a)), if applicable, with a total of not less than 29 points.

Section 676.310 Disposition of Cases not Appropriate for Referral to DOA

Any individual not meeting the criteria for referral to DOA stated in Section 676.300 shall have his/her case maintained by DORS and shall continue to receive services through HSP as long as he/she continues to meet the eligibility criteria established by DORS.

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NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Provider Requirements, Type Services, and Rates of Payment

- 2) Code Citation: 89 Ill. Adm. Code 686

- 3) Section Numbers:

| | |
|---------|-----|
| 686.10 | New |
| 686.20 | New |
| 686.30 | New |
| 686.40 | New |
| 686.100 | New |
| 686.110 | New |
| 686.120 | New |
| 686.130 | New |
| 686.140 | New |
| 686.200 | New |
| 686.210 | New |
| 686.220 | New |
| 686.230 | New |
| 686.240 | New |
| 686.300 | New |
| 686.310 | New |
| 686.320 | New |
| 686.330 | New |
| 686.340 | New |
| 686.350 | New |
| 686.400 | New |
| 686.410 | New |
| 686.500 | New |
| 686.510 | New |
| 686.600 | New |
| 686.610 | New |
| 686.620 | New |
| 686.630 | New |
| 686.640 | New |
| 686.700 | New |
| 686.710 | New |
| 686.720 | New |
| 686.800 | New |

- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

- 5) A Complete Description of the Subjects and Issues Involved: In order to reorganize and clarify the Administrative Rules for the Home Services Program, all current Administrative Rules are being repealed and all new Administrative Rules are being proposed.

The proposed Administrative Rules do not reflect programmatic changes,

DEPARTMENT OF REHABILITATION SERVICES

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rather just clarification and consolidation of the program provisions.

- 6) Will this rulemaking replace an emergency rulemaking currently in effect?
No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this rulemaking contain incorporations by reference? No.

- 9) Are there any other proposed rulemakings pending on this Part? No.

- 10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All request and comments should be submitted in writing to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
TTY: (217) 785-9301

If because of physical disability you are unable to put comments in writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULES

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
 SUBCHAPTER d: HOME SERVICES PROGRAM

PART 686

PROVIDER REQUIREMENTS, TYPE SERVICES, AND RATES OF PAYMENT

SUBPART A: PERSONAL ASSISTANTS

Section

686.10 Personal Assistant (PA) Requirements
 686.20 Services Which May Be Provided by a PA
 686.30 Annual Review of PA Performance
 686.40 Payment for PA Services

SUBPART B: ADULT DAY CARE PROVIDERS

Section

686.100 Adult Day Care (ADC) Provider Requirements
 686.110 Services Which Must Be Provided by ADC Providers
 686.120 Annual Compliance Review of ADC Providers
 686.130 Appeal of Compliance Review for ADC Providers
 686.140 Payment for ADC Services

SUBPART C: HOMEMAKER SERVICES

Section

686.200 Homemaker Service Provider Requirements
 686.210 Services Which Must Be Provided by Homemaker Agencies
 686.220 Annual Compliance Review of Homemaker Agencies
 686.230 Appeal of Compliance Review for Homemaker Agencies
 686.240 Payment for Homemaker Services

SUBPART D: ELECTRONIC HOME RESPONSE SERVICES

Section

686.300 Electronic Home Response Services (EHRs) Provider Requirements
 686.310 Services Which Must Be Provided by EHRs Providers
 686.320 Minimum Specifications for EHRs Equipment
 686.330 Annual Compliance Review of EHRs Providers
 686.340 Appeal of Compliance Review for EHRs Providers
 686.350 Rates of Payment for EHRs Services

SUBPART E: MAINTENANCE HOME HEALTH SERVICE

Section

686.400 Maintenance Home Health Provider Requirements
 686.410 Rate of Payment for Maintenance Home Health Services

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SUBPART F: HOME DELIVERED MEALS

Section

686.500 Home Delivered Meals Provider Requirements
 686.510 Rate of Payment for Home Delivered Meals

SUBPART G: ENVIRONMENTAL MODIFICATION

Section

686.600 Environmental Modification Provider Requirements
 686.610 Cost of Environmental Modification
 686.620 Permanency of Environmental Modification
 686.630 Reason for Denial of Environmental Modification
 686.640 Verification of Environmental Modification

SUBPART H: ASSISTIVE EQUIPMENT

Section

686.700 Assistive Equipment Provider Requirements
 686.710 Provision of Assistive Equipment
 686.720 Verification of Receipt of Assistive Equipment

SUBPART I: RESPITE CARE

Section

686.800 Respite Care Provider Requirements

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 18 Ill. Reg. _____, effective _____.

SUBPART A: PERSONAL ASSISTANTS

Section 686.10 Personal Assistant (PA) Requirements

In order to be employed by a customer as a PA (89 Ill. Adm. Code 676.30(q)), an individual must:

- have a Social Security number and provide DORS with documented verification of this number;
- be at least 16 years of age and not employed during school hours, 17 years of age and a high school graduate, or at least 18 years of age;
- have, provided to the customer, at least two written or verbal recommendations from present or former employers, the recommendation of a Center for Independent Living (CIL), or, if never employed, references from at least two non-relatives;
- be able to communicate with the customer to the satisfaction of the customer and counselor;

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- e) be able to follow directions to the satisfaction of the customer and counselor;
- f) have previous experience and/or training that is adequate and consistent with the specific tasks required for safe and adequate care of the customer;
- g) have a physician, health care institution (i.e., hospital, nursing home, home health agency), or CIL certify, in writing, that he/she has the knowledge of precautionary procedures for the control of contagious infectious diseases, if it is anticipated that he/she will come into contact with bodily fluids, or be evaluated by a Registered Nurse licensed pursuant to the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, pars. 3501, et seq.) [225 ILCS 65] that he/she has knowledge of such procedures;
- h) complete a Client/Provider Agreement (IL 488-1947) (the IL 488-1947 is completed by the customer and PA showing mutual acceptance) which certifies the PA:

- 1) shall provide services to the individual in accordance with his/her Service Plan (IL 499-1049) (89 Ill. Adm. Code 676.20(t));
- 2) submit a monthly calendar listing of actual hours worked, as verified by the customer and in accordance with the number of hours authorized by DORS. The PA shall not claim more hours than approved by DORS unless prior approval has been granted by the counselor to address a temporary increased service need;
- 3) shall make available to DORS and other designated agencies those records described in (2), above;
- 4) shall maintain all customer information as confidential and not for release, either in writing or verbally, to anyone other than those designated by DORS in writing;
- 5) shall not subcontract any of the services he/she has agreed to provide to any other person;
- 6) shall provide services only while the individual is in his/her home and report to DORS any absence of the customer from his/her home (89 Ill. Adm. Code 676.20(k)) during the period covered by a Service Plan (89 Ill. Adm. Code 684);
- 7) shall agree that the individual to whom he/she is providing services, as the customer of PA services, is responsible for locating, choosing, supervising, training, and disciplining as necessary, the PA. Further, that the State of Illinois does not provide paid vacation, holiday, or sick leave, however such absences shall be reported to the DORS counselor per the Home Services Authorization of Services (IL 488-1844) only for the purposes of processing payment;
- 8) understands that DORS reports all payments made to a PA to the Illinois Department of Employment Security (DES) and that the PA may apply for unemployment benefits, but DES, not DORS, makes the determination as to whether or not the PA shall receive benefits;
- 9) understands that he/she may apply for Workers' Compensation benefits through DORS and that some individuals may carry such insurance coverage; however DORS maintains that the customer, not

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- DORS is the employer for these purposes; and
- 10) understands that DORS will withhold only Social Security tax (FICA) and, if requested, union dues from payments made to him/her. No money will be withheld from any payment made through DORS for federal or state income tax, or any other purpose, except in accordance with administrative or judicial orders.
- i) complete an I-9 Immigration form, which must be retained by the customer;
 - j) for PAs starting on or after April 13, 1992, complete a PA Standards (IL 488-2112) to be returned to DORS; and
 - k) as of April 13, 1992, at the time of redetermination of eligibility of the customer by which he/she is employed, have completed by the customer, a Personal Assistant Evaluation (IL 488-2089).

Section 686.20 Services Which May Be Provided by a PA

A PA may perform or assist with:

- a) household tasks, shopping, or personal care;
- b) incidental health care tasks which do not require independent judgement, with the permission of the customer's physician, customer, and/or family; and
- c) monitoring to ensure the health and safety of the customer.

Section 686.30 Annual Review of PA Performance

- a) Pursuant to 686.10(k), annually, at the time of redetermination of the individual's eligibility, a Personal Assistant Evaluation (IL 488-2089) shall be completed, by the customer with assistance of the counselor, for each PA providing services through HSP.
- b) PAs shall be evaluated based upon:
 - 1) accuracy of work (e.g., ranging from making many errors to few errors);
 - 2) cleanliness of working area (e.g., ranging from very untidy to exceptionally clean);
 - 3) use of work time (e.g., ranging from very wasteful to very efficient);
 - 4) responsibility (e.g., ranging from irresponsible to responsible);
 - 5) attendance (e.g., ranging from frequently absent or late to always prompt); and
 - 6) attitude towards the customer (e.g., ranging from disrespectful to respectful).
- c) The outcome of the evaluation shall be mediated by the counselor between the PA and the customer regarding any unresolved issues, up to and including replacement of the PA by the customer, if necessary.

Section 686.40 Payment for PA Services

- a) PAs shall be paid at the hourly rate set by law, but never less than the current federal minimum wage.

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- b) PAs shall be paid twice each month for services rendered. The first payment shall be for any services rendered by the PA, pursuant to the customer's Service Plan, from the first day of the month through the fifteenth day of the month. The second payment shall be for any services rendered by the PA, pursuant to the customer's Service Plan, from the sixteenth day of the month through the last day of the month.

SUBPART B: ADULT DAY CARE PROVIDERS

Section 686.100 Adult Day Care (ADC) Provider Requirements

- a) Adult Day Care Providers must either be approved by DORS or by the Illinois Department on Aging (DOA) pursuant to DOA's rules found at 89 Ill. Adm. Code 240 with the exceptions that the term "the elderly" in 89 Ill. Adm. Code 240.1560(a)(1)(A)(ii) and (a)(2)(A)(ii) should be replaced with the term "individuals with disabilities" in DOA's rules. In order to be approved as an ADC provider by DORS, the ADC Provider must meet all of the conditions specified by DOA, as cited above, and:
- 1) employ a full-time program director;
 - 2) employ the equivalent of a full-time program coordinator/director;
 - 3) employ a program nurse who is on duty at least a portion of every standard business day;
 - 4) employ a nutrition staff;
 - 5) comply with the provisions of:
 - A) Section 504 of the Rehabilitation Act of 1973, as amended;
 - B) the Illinois Human Rights Act [775 ILCS 5];
 - C) the Illinois Accessibility Code (71 Ill. Adm. Code 400); and
 - D) the Americans with Disabilities Act (42 U.S.C. 12101, et seq.);

- 6) record the administration of all prescribed medications for those customers served through HSP who are unable to self-administer medication as documented by a physician licensed pursuant to the Medical Practice Act [225 ILCS 60], a registered nurse licensed pursuant to the Illinois Nursing Act of 1987 [225 ILCS 65], or as documented of the individual's Service Plan (IL 488-1049) (89 Ill. Adm. Code 676.30);

- 7) provide DORS with a record of the amount of pre-service training each employee has had;
- 8) require, and provide DORS documentation of, at least 12 hours of in-service training for each staff person each fiscal year;

- 9) successfully complete an Adult Day Care Provider Review pursuant to Section 686.120;

- 10) agree to and sign an Adult Day Care Provider Rate Agreement;
- 11) maintain adequate records for planning, budgeting, administration and program evaluation and planning. These records shall be available to DORS and the United States Department of Health and Human Services (HHS), or any entity designated by DORS or HHS, and shall be maintained for a period of at least 5 years, or

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until advised that all state and federal audits are completed. These records must include, but not be limited to:

- A) records of all referrals, including the disposition of each referral;
 - B) all customer records;
 - C) administrative records, including:
 - i) service statistics; and
 - ii) billing and payment records;
 - D) personnel records, including:
 - i) schedules and attendance records for staff and volunteers;
 - ii) training records for staff and volunteers;
 - iii) annual performance evaluations for all staff and, as appropriate, all volunteers; and
- 12) have an Affirmative Action Plan in place which is approved by its governing body.

Section 686.110 Services Which Must Be Provided by ADC Providers

In order for an Adult Day Care Provider to be recognized by DORS and used to provide services to individuals receiving services through HSP, each Adult Day Care Center must agree to provide the following services:

- a) written and individualized care planning;
- b) assistance and arrangement of personal care, hygiene, and self-care training, as appropriate, based on each individual's needs;
- c) leisure time and recreation activities;
- d) assistance of a medical nature (e.g., medication, assessment, exercise);
- e) meals and snacks;
- f) maintenance of a complete record for each individual served through the Adult Day Care Center, including full recording of all required services provided to the customer as listed in a-e, above.

Section 686.120 Annual Compliance Review of ADC Providers

- a) DORS shall complete an annual review of each Adult Day Care Provider to ensure compliance with the criteria set forth in this Subpart.

- b) The annual review shall consist of an on-site review conducted by HSP staff using the Adult Day Care Review form (IL 488-2129). Written notification shall be provided to the Adult Day Care Provider prior to the review.

- c) Within 15 days of the completion of the review, a copy of the completed IL 488-2129 along with a letter stating the results of the review shall be mailed to the provider.

If the Adult Day Care Provider is approved, included with the letter shall be an Adult Day Care Provider Rate Agreement for execution by the appropriate provider staff and return to DORS.

If the Adult Day Care provider is not approved, the letter shall contain specific information regarding:

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- 1) deficiencies found as a result of the review;
- 2) the action necessary for the ADC Provider to come into compliance;
- 3) the time frames the ADC Provider has to come into compliance; and
- 4) the information necessary for the ADC Provider to request re-evaluation after the compliance issues are addressed.

Section 686.130 Appeal of Compliance Review for ADC Providers

- a) ADC Providers determined not to be in compliance with DORS requirements as a result of the review may appeal the decision to the Manager - Division of Home Services. The Manager shall conduct a review of the facts related to the rating and shall, within 15 working days provide a written decision to the ADC Provider.
- b) If the ADC Provider is not satisfied with the decision of the Manager, the ADC Provider may request review of the Manager's decision by DORS' Director. The request must be in writing from the ADC provider and received by DORS' Director within 10 working days of the date the decision was rendered by the Manager. The decision of DORS' Director shall be final.

Section 686.140 Payment for ADC Services

- a) DORS shall pay no more than the rate approved by DOA for Adult Day Care Services. The rate established by DOA shall include meals, snacks, and, in some instances, transportation provided by the ADC Center.
- b) Adult Day Care Providers shall submit monthly billings for approved services provided the previous month and progress reports for each customer served by the provider for the month being billed. Billings may be submitted less frequently at the discretion of the Adult Day Care Provider.

SUBPART C: HOMEMAKER SERVICES

Section 686.200 Homemaker Service Provider Requirements

- a) Only those vendors with approved Homemaker Agreements may be used to provide Homemaker services to individuals being served through HSP.
- b) In order to be approved by DORS, the Homemaker Agency must comply with the following, to the satisfaction of DORS:
 - 1) provide a comprehensive array of services which include, but are not limited to those services described in Section 686.210;
 - 2) assure DORS that all referrals will be responded to within 48 hours of receipt from DORS;
 - 3) have written billing procedures and provide a copy to DORS as part of the compliance review;
 - 4) have documented procedures to cover unexpected absences and emergencies to ensure services will be provided in an adequate

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- 5) and safe manner to all individuals served by the agency; have written procedures to respond to customer and counselor complaints regarding services;
- 6) maintain comprehensive written job descriptions for, at a minimum, the positions Executive Director/Administrator, Supervisory staff, and direct service providers;
- 7) have established a local presence to ensure regular and on-going contact with DORS and other appropriate community groups;
- 8) have procedures for regular and on-going recruitment of direct service providers through local resources;
- 9) be either incorporated or provide DORS with a copy of a written statement of purpose and function;
- 10) maintain adequate records for planning, budgeting, administration and program evaluation and planning. These records shall be available at all times to DORS and the United States Department of Health and Human Services (HHS), or any entity designated by DORS or HHS, and shall be maintained for a period of at least 5 years, or until advised that all state and federal audits are completed. These records must include, but not be limited to:
 - A) records of all referrals, including the disposition of each referral;

B) customer records, which includes:

- i) dates and times services were provided to each individual;
- ii) dates and times of supervisor - homemaker weekly conferences;
- iii) semi-annual reports of supervisory visits with each customer served;
- iv) monthly service reports for each customer served which document a summary of services, actual or anticipated changes in the customer's condition, recommended changes in the current HSP Service Plan, and all customer contacts;
- v) records of all staffings held pertaining to the customer;
- vi) records of all financial transactions between the customer and any agency employee;

C) administrative records, which include:

- i) cumulative service statistics pertaining to any agreement with DORS;
- ii) billing and payment records which pertain to DORS;

D) personnel records, which include:

- i) attendance records;
- ii) schedules for all direct service staff;
- iii) documentation regarding each individual's qualification for the position held;
- iv) wage rate and effective date for each staff member;
- v) job performance evaluations for each staff person which include annual evaluations and at least one

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probationary evaluation completed within the first six months of employment;

vi) orientation and training attendance information for each staff member which must include the name of each instructor, the date, the time and the title of each training program attended; and

vii) verification of liability insurance in the amounts of at least \$15,000 per person bodily injury, \$30,000 minimum per occurrence, and \$10,000 in property damage, per occurrence, if the employee will or could be expected to transport customers in the course of his/her work;

11) maintain insurance coverage against any and all liability, loss, damage and/or expense from wrongful or negligent acts of the agency or any of its employees and provide DORS with written verification of such coverage;

12) maintain written procedures on reporting loss and damage arising from the wrongful or negligent acts of the agency or any of its employees;

13) agree to hold DORS harmless against any and all liability, loss, damage, cost, or expense arising from wrongful or negligent acts of the agency or any of its employees;

14) assist DORS in monitoring and evaluating the agency's performance under any agreement with DORS;

15) maintain any and all information regarding individuals referred to the agency by DORS as confidential and not for public release without the written consent of DORS and the customer;

16) maintain and have available for review by customers and purchasers of services policies governing:

A) the nature and scope of each service provided by the agency;

B) a two-way receipt system for any time an employee of the agency handles an individual's money, food stamps or other negotiable items or tender;

C) personnel policies governing salary, leave time, hours of work, employee grievance procedures, and attendance at in and out-service trainings; and

17) have in place an Affirmative Action Plan which is approved by its governing body.

c) At a minimum, each homemaker agency must employ qualified staff in the positions of:

1) Executive Director or Administrator who for each local unit providing services who is responsible for the administration of the homemaker services program and who, at a minimum, has or is making continued progress towards:

A) a Bachelor's degree in health, human services, or a related field;

B) licensure as a Registered Nurse pursuant to the Illinois Nursing Act of 1987 [225 ILCS 65]; or

C) certification as a home health care administrator, medical

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clinic administrator, or other health services administrator.

D) one year of related job experience in social services or in a health agency may be used to replace each year of education required in (A) through (C) above, provided that at least 1 year of experience was in a program which provides services to individuals with disabilities.

For the purposes of A through C, above, "continued progress" shall mean current registration and evidence of successful completion of course work in an accredited junior college, college, or university for a minimum of 2 semesters or 3 quarters of each academic year. Successful completion shall mean a grade of at least "C" in undergraduate course work, or a grade of "B" in graduate course work;

2) Supervisors, in a ratio of no less than the equivalent of 1 full-time supervisor to the equivalent of every 20 full-time direct service providers, who is responsible for the supervision of direct service staff and who, at a minimum, has:

A) a Bachelor's degree with course work in social science, home economics, or nursing;

B) knowledge and skill equivalent to completion of a Bachelor's degree, as described in A, above; or

C) a high school diploma or its equivalent plus health service experience including at least 2 years supervisory experience;

3) direct service providers who have:

A) been determined to be in good health;

B) knowledge and skill equivalent to a high school diploma;

C) experience as a homemaker, either in his/her own home or through employment; and

D) knowledge of:

i) nursing care;

ii) first aid;

iii) personal and environmental hygiene;

iv) household budgeting;

v) housekeeping;

vi) nutrition;

vii) food preparation; and

viii) clothing care.

d) Each supervisor and direct service provider must, at a minimum, participate in the following training programs:

1) Orientation which shall include:

A) the philosophy and purpose of homemaker services; and

B) the functions of homemaker services;

2) in-service training, directed at increasing the direct service provider's knowledge and skills, of not less than 12 hours each year in areas including:

A) disability awareness; and

B) Acquired Immunodeficiency Syndrome (AIDS).

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e) Written policy and procedures governing a self-evaluation process to evaluate services and case management with an outcome of written recommendations to the governing body of the agency to improve the services which the agency provides.

f) With the provisions of the following federal and state law and regulation regarding employment compliance:

- 1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d);
- 2) Section 504 of the Rehabilitation Act of 1973;
- 3) the Americans with Disabilities Act (42 U.S.C. 12101); and
- 4) the Illinois Human Rights Act (775 ILCS 5).

Further the agency shall provide DORS with a letter certifying compliance with the provisions of the laws stated in 1-4, above and a copy of the Affirmative Action Plan for the agency.

Section 686.210 Services Which Must Be Provided by Homemaker Agencies

The homemaker agency must provide professionally directed home management and personal care services directly provided by trained homemaker to individuals served through HSP who require supportive, protective or teaching functions because of the lack of a responsible person or entity to provide such for the individual in the areas of:

- a) teaching, performance and/or assistance with household, financial and time management;
- b) teaching, performance and/or assistance with meal planning and preparation and nutrition, including the preparation of specially prescribed diets and snacks;
- c) teaching, performance and/or assistance with personal care and hygiene which is of non-medical nature;
- d) observation and reporting of the individual's behavior and activities to DORS for the purposes of assessment and service planning; and
- e) emergency services to meet an unforeseen need in the areas listed (a)-(d), above when contacted by the individual or DORS and preapproved by DORS.

Section 686.220 Annual Compliance Review of Homemaker Agencies

- a) DORS shall conduct a compliance review of any homemaker agency seeking an approved rate agreement with DORS and annually shall conduct a compliance review of all homemaker agencies that have current rate agreements with DORS for the purpose of determining compliance or continued compliance with the criteria set forth in this Subpart.
- b) DORS shall notify all homemaker agencies having current approved rate agreements, in writing, at least 10 working days prior to the date of the review to determine continued compliance.

Section 686.230 Appeal of Compliance Review for Homemaker Agencies

- a) Homemaker agencies determined not to be in compliance with DORS requirements as a result of the review may appeal the decision to the

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Manager - Division of Home Services. The Manager shall conduct a review of the facts related to the rating and shall, within 15 working days provide a written decision to the Homemaker Provider.

- b) If the Homemaker Agency is not satisfied with the decision of the Manager, the Homemaker Agency may request review of the Manager's decision by DORS' Director. The request must be in writing and received by DORS' Director within 10 working days of the date the decision was rendered by the Manager. The decision of DORS' Director shall be final.

Section 686.240 Payment for Homemaker Services

- a) Payment for homemaker services shall be at the rate specified in the rate agreement signed by DORS and the approved homemaker agency.
- b) Services shall be paid in increments of not less than one-quarter hour, pursuant to the Service Plan developed for the individual.
- c) Homemaker agencies shall submit monthly billings for approved services provided the previous month and monthly progress reports for each customer served by the agency for the month being billed. Billings may be submitted less frequently at the discretion of the homemaker agency.
- d) Payment for homemaker services shall be allowed only for those hours services are being provided to the individual being served through HSP. No payment shall be claimed for those periods which the agency employee spends traveling, in conferences, etc., or for expenses incurred by the agency employee.

SUBPART D: ELECTRONIC HOME RESPONSE SERVICES**Section 686.300 Electronic Home Response Services (EHRS) Provider Requirements**

In order for an specific EHRS Provider to be approved for use by DORS in obtaining services for individuals served through HSP, the EHRS Provider must:

- a) have, and make available on request:
 - 1) articles of incorporation; or
 - 2) if unincorporated, a statement of purpose and function; and
 - 3) a list of the owners and or the EHRS Providers owners and/or directors/officers;
- b) have written policies, which are available to DORS and all customers, governing:
 - 1) the type and scope of services provided, which include clear and concise distinctions between services, if more than one service is offered;
 - 2) personnel policies, including:
 - A) salary schedules;
 - B) work hours;
 - C) employee attendance and leave;
 - D) written job descriptions, which include clear and concise duties and qualifications for each position;

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- E) grievance procedures; and
 F) requirements for staff training and in-service;
- c) maintain adequate records for planning, budgeting, administration and program evaluation and planning. These records shall be available at all times to DORS and the United States Department of Health and Human Services (HHS), or any entity designated by DORS or HHS, and shall be maintained for a period of at least 5 years, or until advised that all state and federal audits are completed. These records must include, but not be limited to:
- 1) records of all referrals, including the disposition of each referral;
 - 2) customer records, which include:
 - A) dates and times of all signaling and the name of the responder to each signaling;
 - B) dates and times of all equipment tests;
 - C) disposition of all emergency signaling;
 - 3) administrative records including:
 - A) service statistics; and
 - B) billing and payment records;
 - 4) personnel records, including:
 - A) schedules and attendance records for staff and volunteers of the EHRs Provider;
 - B) staff and volunteer training reports;
 - C) annual performance review of all EHRs Provider staff;
 - d) accept all referrals made for services by DORS;
 - e) maintain and implement written procedures for the evaluation of its programs and services, the outcome of which shall be to make recommendations to its governing body improving its services;
 - f) have and agree to maintain adequate liability insurance coverage and provide DORS a copy of the Certificate of Insurance;
 - g) agree to hold harmless DORS against any and all liability, loss, damage, cost, or expense arising from the wrongful or negligent action of the EHRs Provider or any of its agents, which DORS may sustain, incur, or be required to pay;
 - h) comply with all local, state, and federal laws, regulations, and standards and DORS regulations and standards pertaining to HSP;
 - i) maintain as confidential any information obtained regarding a customer of DORS and agree not to release this information without the written approval of DORS' Director or the customer;
 - j) certify that the EHRs provider and any of its agents have not been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has the EHRs Provider or any of its agents made an admission of guilt of such conduct which is a matter of record;
 - k) agree to provide all services listed in Section 686.310, below; and
 - l) have in place an Affirmative Action Plan which is approved by its governing body.

Section 686.310 Services Which Must Be Provided by EHRs Providers

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- In order to be a DORS approved EHRs Provider, the EHRs provider must:
- a) have trained employees or volunteers that install the EHRs units in the individual's home. This service may not be sub-contracted;
 - b) be able to install the EHRs unit in the individual's home within 48 hours upon referral of an individual by DORS to the EHRs provider;
 - c) assist the individual in arranging several appropriate responders and provide training to those responders;
 - d) provide 24-hour monitoring;
 - e) provide instruction to the individual receiving EHRs services on the proper use of the EHRs unit at the time the unit is installed. The instruction must include:
 - 1) provisions for monthly testing of the unit and its transmission by the individual receiving the EHRs services; and
 - 2) general care of the home unit; and
 - f) in the event of unit malfunction, the EHRs Provider must repair or replace the unit within 24 hours of receiving the report.

Section 686.320 Minimum Specifications for EHRs Equipment

- a) All home units, at a minimum, must:
 - 1) be able to be activated from:
 - A) a wireless remote; and
 - B) from the telephone, using a predetermined number;
 - 2) the wireless remote activator must have:
 - A) a crystal or Surface Acoustic Wave (SAW) resonator controlled transmitted frequency for long-term reliability;
 - B) digital encoding capability for at least 10 combinations;
 - C) a minimum transmission range of 175 feet;
 - D) an internal battery with a minimum life of 5 years;
 - E) low battery signal;
 - F) certification under 47 CFR 15, October 1, 1985, with no later amendments;
- 3) the base unit or communicator unit must:
 - A) be an integrated unit that connects to the individual's telephone via a modular jack which does not interfere with the normal use of the telephone;
 - B) connect to a standard home electrical outlet, as its power supply, by use of an Underwriter's Laboratory approved plug;
 - C) be able to seize the telephone line, even when a telephone in the dwelling is off the hook, and dialing the EHRs Center to transmit an emergency signal;
 - D) the base unit must have an easily identifiable "Ready" light to verify the unit is on-line with the EHRs Center;
 - E) the base unit must have an easily identifiable "confirmation" light to indicate that, if activated, the EHRs Center has received the call;
 - F) disconnect and redial, until the call is received at the EHRs Center, if an emergency call does not reach the EHRs Center;

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- G) have a simple process by which signals may be aborted, in the event of an erroneous signal is sent;
- H) have a battery, which is continuously charged while the unit is on, that will maintain a charge for at least 12 hours in the event of an electrical power failure;
- I) transmit a message to the EHRIS Center signifying maintenance of the unit is required in the event of base unit battery failure; and
- J) be certified under 47 CFR 15 and 68, October 1, 1985, with no later amendments.
- b) All EHRIS Center equipment, at a minimum, must:
- 1) be capable of automatically receiving all signals and displaying and printing all messages sent from home communicators connected to the EHRIS system;
 - 2) must have an audible and visual alarm for the notification of all incoming signals;
 - 3) display and print the incoming message, date, time, and customer identification for each incoming signal;
 - 4) have a battery back-up which will automatically take over should there be a power outage, or a single circuit failure. This battery back-up must supply sufficient power to operate the entire system for a minimum of 8 hours in the event of an outage; have totally separate and independent primary and back-up receivers. If the primary receiver should fail, the system must automatically transfer to the back-up receiver to ensure no interruption in services;
 - 6) monitor all connected telephone lines and give an audible signal should one of the connected telephone lines be out of service for a period of longer than one minute;
 - 7) be able to identify each individual customer account;
 - 8) perform self-diagnostic testing and monitoring to indicate the status of fault conditions which could interfere with receiving signals and monitoring telephone connections such as, power loss, telephone line outages, signals received with no messages, inoperation of transmitters, etc.; and
 - 9) be certified under 47 CFR 15 and 68, October 1, 1985, with no later amendments.

Section 686.330 Annual Compliance Review of EHRIS Providers

- a) DORS shall conduct a compliance review of any EHRIS provider seeking an approval from DORS and annually shall conduct a review of all EHRIS providers that have current approval of DORS for the purpose of determining compliance or continued compliance with the criteria for approval set forth in this Subpart.
- b) DORS shall, when contacted by an EHRIS Provider, or when notified by staff of the need to access the services of a specific EHRIS Provider, conduct the review within a period of 60 calendar days.
- c) DORS shall notify all currently approved EHRIS Providers, in writing,

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at least 10 working days prior to the date of the review to determine continued compliance.

Section 686.340 Appeal of Compliance Review for EHRIS Providers

- a) EHRIS Providers determined not to be in compliance with DORS requirements as a result of the review may appeal the decision to the Manager - Division of Home Services. The Manager shall conduct a review of the facts related to the rating and shall, within 15 working days provide a written decision to the EHRIS Provider.
- b) If the EHRIS Provider is not satisfied with the decision of the Manager, the EHRIS provider may request review of the Manager's decision by DORS' Director. The request must be in writing and received by DORS' Director within 10 working days of the date the decision was rendered by the Manager. The decision of DORS' Director shall be final.

Section 686.350 Rates of Payment for EHRIS Services

- a) Installation
DORS shall pay up to \$75.00 as a one time installation fee for the installation of the EHRIS unit, plus the charge of the local telephone company for telephone service hook up for those customers who do not have local telephone service at the time EHRIS services are initiated.
- b) Monthly Service Fees
DORS shall pay no more than \$70.00 per month for EHRIS services, including all fees and charges. DORS will not pay the cost of the monthly local telephone services required to have EHRIS.

SUBPART E: MAINTENANCE HOME HEALTH SERVICE**Section 686.400 Maintenance Home Health Provider Requirements**

DORS shall use Maintenance Home Health Providers which are approved Medicaid providers or licensed by the Illinois Department of Public Health pursuant to the Home Health Agency Licensing Act [210 ILCS 55].

Section 686.410 Rate of Payment for Maintenance Home Health Services

DORS shall pay Maintenance Home Health Providers the rate established by the Illinois Department of Public Aid through the Medicaid Program for the same service.

SUBPART F: HOME DELIVERED MEALS**Section 686.500 Home Delivered Meals Provider Requirements**

Any entity providing Home Delivered Meals must be certified by the county health department in which the program or facility is located and must meet the

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approval of the customer and counselor.

Section 686.510 Rate of Payment for Home Delivered Meals

Providers of Home Delivered Meals may be paid up to the amount that would be paid a PA to prepare meals for the customer.

SUBPART G: ENVIRONMENTAL MODIFICATION

Section 686.600 Environmental Modification Provider Requirements

All vendors which provide Environmental Modification services must:

- a) be selected pursuant to the bidding requirement found at 44 Ill. Adm. Code 1175;
- b) meet the approval of the customer and counselor;
- c) carry at least \$500,000 in liability insurance, and provide DORS with a copy of the Certificate of Insurance verifying the coverage; and
- d) perform all modifications so that they meet the standards established by the Capital Development Board at 71 Ill. Adm. Code 400 - Accessibility Standards.

Section 686.610 Cost of Environmental Modification

The cost of environmental modification, when amortized over a 12 month period and added to all other monthly service costs, may not exceed the SCM (89 Ill. Adm. Code 679) established for the customer's case.

Section 686.620 Permanency of Environmental Modification

For environmental modifications which cannot be detached from the dwelling, the home must be owned by the customer or other family member living in the home, or the customer, with the assistance of the counselor, must obtain written permission of the landlord to make the modifications.

Section 686.630 Reason for Denial of Environmental Modification

Environmental modifications shall be denied when:

- a) the cost of the modifications cannot be made pursuant to the provisions of Section 686.610, above;
- b) the customer has a poor history as a tenant, or is otherwise not expected to remain in the home to be modified for a period of at least 1 year;
- c) the past practices or reputation of the landlord is unfavorable; or
- d) the modifications are for "value added" or cosmetic purposes.

Section 686.640 Verification of Environmental Modification

Within 30 days of the date of completion of the environmental modification, the counselor must make a home visit to inspect the modifications and to ensure

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customer satisfaction with the modification. Signed verification from the customer shall be required to verify receipt and satisfaction with the modification.

SUBPART H: ASSISTIVE EQUIPMENT

Section 686.700 Assistive Equipment Provider Requirements

All vendors which provide Assistive Equipment services must:

- a) be selected pursuant to the bidding requirement found at 44 Ill. Adm. Code 1175; and
- b) meet the approval of the customer and counselor.

Section 686.710 Provision of Assistive Equipment

a) Assistive equipment may be provided to a customer if:

- 1) there are no other resources, public or private, which will provide the equipment;
 - 2) the cost of providing the equipment, when amortized over a 12 month period and added to all other service costs, does not exceed the SCM (89 Ill. Adm. Code 679) established for the customer's case; and
 - 3) the equipment reduces the need for an existing service or/and anticipated increase in a service provided through HSP.
- b) Assistive equipment may be purchased, rented, or repaired for a customer, based on the following:

- 1) assistive equipment shall be purchased when:
 - A) the customer is expected to need the equipment for a period to exceed 1 year;
 - B) the cost of renting the equipment exceeds the purchase price of the equipment; or
 - C) the equipment is not available for rental;
- 2) assistive equipment shall be rented for a customer when:
 - A) the customer is not expected to need the equipment for an extended period of time (i.e., less than 1 year); and
 - B) the rental cost for the equipment for the period the customer is expected to need the equipment is less than the purchase price for the equipment; and
- 3) assistive equipment shall be repaired for a customer when:
 - A) the equipment is already in the possession of the customer;
 - B) the repair cost is less than the rental or purchase price for the same equipment; and
 - C) the equipment, when repaired, is expected to have an increased useful life of at least 1 year.

Section 686.720 Verification of Receipt of Assistive Equipment

- a) Within 30 calendar days of receipt of purchased assistive equipment, the counselor must make a home visit to verify that the equipment has

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been delivered to the customer or repaired and to ensure customer satisfaction. Written verification from the customer shall be required to verify receipt and satisfaction.

b) Within 30 calendar days of rental or repair of assistive equipment, the counselor must contact the customer by phone or in person and document customer satisfaction with the rental/repair in the case file.

SUBPART I: RESPITE CARE

Section 686.800 Respite Care Provider Requirements

Any individual or agency providing respite services to an individual through HSP must meet the standards set forth in the appropriate Subpart for that service as listed in this Part.

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NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Redetermination of Eligibility
- 2) Code Citation: 89 Ill. Adm. Code 698
- 3) Section Numbers:

| | |
|---------|----------|
| 698.10 | Repealed |
| 698.100 | Repealed |
| 698.200 | Repealed |
| 698.300 | Repealed |
- 4) Statutory Authority: Section 3(g) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(g)) [20 ILCS 2405/3(g)].
- 5) A Complete Description of the Subjects and Issues Involved: In order to reorganize and clarify the Administrative Rules for the Home Services Program, all current Administrative Rules are being repealed and all new Administrative Rules are being proposed.
- The proposed Administrative Rules do not reflect programmatic changes, rather just clarification and consolidation of the program provisions.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this rulemaking contain incorporations by reference? No.
- 9) Are there any other proposed rulemakings pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
 TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

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12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Repealer begins on the next page:

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NOTICE OF PROPOSED REPEALER

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 698

REDETERMINATION OF ELIGIBILITY
(REPEALED)

Section
698.10 Determination of Continued Eligibility
698.100 Frequency of Redetermination
698.200 Verification of Eligibility
698.300 Redetermination Process

AUTHORITY: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1981, ch. 23, par. 3434(g)).

SOURCE: Adopted and codified at 7 Ill. Reg. 8873, effective July 18, 1983; Part repealed at 18 Ill. Reg. _____, effective _____.

Section 698.10 Determination of Continued Eligibility

It is a Home Services Program (HSP) responsibility to determine the continued eligibility of all HSP clients and to initiate appropriate action when information is received indicating a situation which might affect a client's eligibility or the amount of service.

Section 698.100 Frequency of Redetermination

- a) A redetermination of HSP eligibility must be conducted no less frequently than at the end of each 12 month eligibility period. Redetermination will be conducted prior to the end of the eligibility period if:
 - 1) The client requests it, or a change has been reported which requires a redetermination (see 89 Ill. Adm. Code 695.300(d))
 - 2) The eligibility criteria change
- b) Redeterminations shall be completed within 60 calendar days. If the client causes the verification of the change in circumstances to be delayed, then the 60 calendar day period is to be extended by one day for each day of delay by the client. However, if appropriate, notice may be provided after the initial 60 day period that services will be suspended, if the delay in this time period is caused by the client. Upon completion of the redetermination, services may then be re-initiated or terminated, as appropriate. Services will not otherwise be suspended during the redetermination process for reasons related to this process.

Section 698.200 Verification of Eligibility

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The redetermination of eligibility may include verification of eligibility factors and establishment of the continuing need for service. For annual redeterminations, verification of income, assets and employment may be secured. Verification of other eligibility factors need not be secured unless the redetermination is based on a change of these factors or these factors have not already been verified as required.

Section 698.300 Redetermination Process

- a) A home visit is required for all redeterminations, and all forms pertaining to client eligibility must be readministered (see 89 Ill. Adm. Code 690.200) with the exception of medical disability. Although a redetermination of disability must be done, new medical information must be obtained only if:
 - 1) the client is not or is no longer determined to be "disabled" by the Social Security Administration (SSA) or The Illinois Department of Public Aid (DPA); or
 - 2) at the initial or most recent HSP determination, the client's disability was determined to be subject to improvement; or
 - 3) the client's disabilities or functional abilities have changed.
- b) The redetermination process is complete when: all factors of eligibility have been reviewed; necessary verifications of eligibility factors have been obtained; a determination of continued eligibility/ineligibility for HSP has been made.

- 1) Heading of the Part: Service Plan Development
- 2) Code Citation: 89 Ill. Adm. Code 700
- 3) Section Numbers:

| | |
|---------|----------|
| 700.100 | Repealed |
| 700.150 | Repealed |
| 700.200 | Repealed |
| 700.250 | Repealed |
| 700.300 | Repealed |
| 700.400 | Repealed |
| 700.500 | Repealed |
| 700.600 | Repealed |
- Appendix A
- 4) Statutory Authority: Implementing and authorized by Section 3(g) and (l) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1989, ch. 23, par. 3434(g) and (l)) [20 ILCS 2405/3(g) and (l)].
- 5) A Complete Description of the Subjects and Issues Involved: In order to reorganize and clarify the Administrative Rules for the Home Services Program, all current Administrative Rules are being repealed and all new Administrative Rules are being proposed.

The proposed Administrative Rules do not reflect programmatic changes, rather just clarification and consolidation of the program provisions.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this rulemaking contain incorporations by reference? No.
- 9) Are there any other proposed rulemakings pending on this Part? No.

10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, Illinois 62794-9429

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Telephone number: (217)785-3896
TTY: (217)785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Repealer begins on the next page:

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NOTICE OF PROPOSED REPEALER

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 700
SERVICE PLAN DEVELOPMENT
(REPEALED)

Section

- 700.100 Service Plan Development
- 700.150 Securing a Service Provider
- 700.200 Rates of Payment, Types and Skill Levels of Service Providers
- 700.300 Selection of Appropriate Type of Service
- 700.400 Service Provision as Affected by Available Resources
- 700.500 Service Provision by Family Members (Repealed)
- 700.600 Service to School Age Children

APPENDIX A Guidelines for Service Tasks

AUTHORITY: Implementing and authorized by Sections 3(g) and 3(1) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, par. 3434(g) and 3434(1)).

SOURCE: Adopted and codified at 7 Ill. Reg. 8930, effective July 18, 1983; amended at 11 Ill. Reg. 5315, effective March 16, 1987; amended at 11 Ill. Reg. 11823, effective July 1, 1987; amended at 13 Ill. Reg. 3101, effective February 26, 1989; emergency amendment at 13 Ill. Reg. 13684, effective August 14, 1989, for a maximum of 150 days; emergency expired January 11, 1990; amended at 14 Ill. Reg. 4900, effective March 16, 1990; amended at 14 Ill. Reg. 18582, effective November 5, 1990; amended at 15 Ill. Reg. 16987, effective November 12, 1991; Part repealed at 18 Ill. Reg. _____, effective _____.

Section 700.100 Service Plan Development

- a) Local office staff will develop an individualized service plan for each client determined otherwise eligible. The service plan will address all unmet needs of only the client and shall not provide for the needs of any other persons. For this purpose, Service Task Guidelines (see Appendix A) shall be utilized to assist in determining the number of hours of non-medical service required to address the client's unmet service needs. These guidelines provide maximum frequency, duration and amount of time needed to perform most types of personal care and household tasks, and allow for variance from the specified maximums upon written justification in the case file by local office staff. The need for medical or medically related services in a client's service plan shall require the determination by a physician or other health care professionals such as nurses or hospital discharge personnel of the type and amount of service required, which is then included in the service plan.

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- b) The completed service plan must be signed by the client or representative. Copies of the service plan are then provided to the client and to the client's service provider(s). The service plan shall include the type of service to be provided, the number of hours of such service, the rate of payment to the service provider(s), and the service provider's general schedule of when services are to be provided. The service plan shall be mailed or otherwise provided to the client with the formal eligibility determination notice.

Section 700.150 Securing a Service Provider

- a) Local office staff will have the primary responsibility to locate service providers as prescribed by the HSP service plan and as limited by all other provisions regarding the selection of a service provider under 89 Ill. Adm. Code 700. However, clients, their families, or the individuals or agencies who have referred clients to HSP will be asked to assist in the process of locating service providers.
- b) As described under 89 Ill. Adm. Code 700.300, if a service provider cannot be found at the minimum skill level of service provider required, the local office staff may authorize a provider at the next higher skill level temporarily. The reason for this must be entered in the case file notes. This may be done in the case of Emergency Services (see 89 Ill. Adm. Code 695.200) or at any point during Plan Services. There is, however, a sixty day limit to this exception. The authorization of a lower level of service provider is not allowed.
- c) All HSP clients have the right to select or to approve the selection of their service providers from among those service providers located.
- d) If service providers prescribed by the HSP service plan cannot be located who both satisfy all provisions under 89 Ill. Adm. Code 700 and are acceptable to the client under 89 Ill. Adm. Code 700.150(c), HSP service will not be provided. (See also 89 Ill. Adm. Code 695.10)

Section 700.200 Rates of Payment, Types and Skill Levels of Service Providers

- a) Personal Assistant services are to be provided by individuals (rather than by agencies) who are selected, hired, trained, supervised and dismissed by the client or other responsible person. Personal Assistants do not necessarily have formal training. DORS will pay no more than \$3.85 per hour for such services for the period July 1, 1990 to April 1, 1991. After July 1, 1991, the rate shall be \$4.50 per hour.
- b) DORS shall pay new Personal Assistants, who begin services on or before the 15th of a month, twice in the first month of service. A new Personal Assistant is an individual serving a particular client for the first time. The Personal Assistant shall submit two Authorization of Services (IL488-1844) forms for payment for the first month of service; one for the first day service is provided through the 15th of the month; the other from the 16th of the month to the end of the month. Thereafter the Personal Assistant shall submit an Authorization

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of services for payment after the last working day of the month for all services rendered during that month.

c) Homemaker services may be provided only by employees of Homemaker agencies with whom DORS has a rate agreement and are paid at no more than the maximum rate established for each agency as described for non-institutional rates in 89 Ill. Adm. Code 356. These individuals are trained and professionally supervised.

d) Maintenance Home Health Services

1) Maintenance Home Health services may be provided only by personnel who are specially licensed or certified by the Illinois Departments of Professional Regulation or Public Health, as applicable, including nurses, therapists and home health aides. This service will be purchased through Medicaid approved Home Health agencies, if available, at no more than the approved Medicaid rates set for each agency by the Department of Public Aid.

2) Maintenance Home Health services may be provided by individuals who are not Medicaid approved providers (see 42 CFR 440.70, October, 1982) unless the client is eligible for available Medicaid paid Home Health service. However, DORS will first attempt to secure Home Health Service providers which are Medicaid approved. An individual provider must be able to provide the local office staff with a certification from a training program recognized by the certifying State of Illinois Department or with a license, as appropriate to the type of Home Health Service provider needed. The individual provider is then paid at no more than the prevailing local rate as determined by the local Home Health agency or hospital. If the individual provider cannot demonstrate that a recognized training program has been completed to qualify the individual provider to be a Home Health provider, the individual provider may not provide Maintenance Home Health services. Individual Home Health providers will only be used when agency Home Health services are not available and/or when an individual provider is less costly than an agency provider.

e) Home delivered meals are generally provided by volunteers working through agencies such as the Red Cross or local hospitals. Prevailing local rates are to be paid insofar as the home delivered meals service agency provides the service needed by the client at a cost which is less than that which would otherwise be paid to a Personal Assistant or another home delivered meals service agency to perform the same service.

f) Electronic Home Response Services are provided through hospitals or through community service agencies and utilize some form of electrical or electronic alerting device which is monitored by the agency providing this service. Emergency health care professionals then respond if signaled by the client. Prevailing local rates are to be paid insofar as the electronic home response service agency provides the service needed by the client at a cost which is less than that

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which would otherwise be paid for Personal Assistant Service or for other electronic home response services. When it is cost effective to do so, this service may instead be provided through the use of burglar or fire alarms which have a communication link with local fire or police stations or into private concerns operating this type of system; also paid at prevailing rates as above.

g) Respite Services

- 1) Respite Services shall be provided by Personal Assistants, Homemakers, or Maintenance Home Health services, based on the client's need (as established by the Determination of Need in 89 Ill. Adm. Code 685 and in accordance with Section 700.300(f)).
- 2) Respite Services are paid at the same rate as regular services. There is no cost share for Respite Services regardless of family or individual income.
- 3) Respite Services may be used in weekly increments but for a total of no more than 240 hours per fiscal year, provided it does not exceed the service cost maximum (89 Ill. Adm. Code 685) for the client.

Section 700.300 Selection of Appropriate Type of Service

The type of service selected is based on the definition of the service and on the provider skill level required as it relates to the needs of the clients and the tasks to be completed.

- a) Personal Assistants may be paid only for the time service plan tasks are being provided to the client. Personal Assistants may perform incidental health care tasks which are ordered or prescribed by licensed medical professionals (e.g., medical doctors, registered nurses, physical therapists) which do not require independent judgement, as determined by the licensed medical professional, with permission of the client's physician, and training by hospital staff, physician, client or family. Personal Assistant services are ordinarily to be provided only in the presence of the client. Exceptions to this include shopping for the client.

- b) Homemakers are specially trained and should provide only needed services as efficiently as possible. Homemaker services may only be provided in the presence of the client. A Homemaker should be used under the following circumstances:

- 1) If the client or other responsible person is unable to direct the activities of a Personal Assistant.
- 2) If the Homemaker can teach the client household tasks to enable the client to become more self-sufficient and thereby lower case costs. Homemaker teaching services should be provided for no more than three months and only when the extra expense for this service will be offset by case cost reduction in the following three months.
- 3) On a one-time basis, so that the homemaker may formulate a work schedule to be used by a Personal Assistant.
- 4) For periodic visits to a client's home to ensure that Personal

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Assistant services provided are efficient, effective and necessary.

- c) Maintenance Home Health Services are to be provided by duly licensed or certified individuals or agency employees, as appropriate to the skill level of care required as set forth in Section 700.100(a), and as prescribed or recommended by physicians or health care professionals. Maintenance Home Health Services are required to be provided in the presence of the client. These providers should be paid Home Health rates only during hours when medical tasks are being performed. If an individual provider is used, it is necessary to have documentation of provider certification or license, as appropriate, in the case file.

- 1) If Maintenance Home Health Services are a part of a client's service plan, clients will be required to apply for Medicaid through the Department of Public Aid unless their level of income and assets is such that no possibility of Medicaid eligibility exists.

- 2) Maintenance Home Health Services provided to Medicaid eligible clients will be funded through Medicaid rather than the Home Services Program (HSP) to the extent that Medicaid will fund this service.

- d) Home delivered meals may be provided only when they are more cost effective than the use of Personal Assistant services for meal preparation.

- e) Electronic Home Response service may only be provided to replace Personal Assistant hours and only when it is less costly than the Personal Assistant hours replaced.

- f) Respite Services shall be provided to relieve a client's family during vacations, rest, errands, a family crisis or emergency. Respite Services shall be provided by either Personal Assistants, Homemakers, Maintenance Home Health services, or any combination of these services, based on the client's need.

Section 700.400 Service Provision as Affected by Available Resources

- a) The Home Services Program (HSP) is not intended to supplant any service already provided to a client by family, friends, and others. Rather, HSP is designed to supplement these services only to the extent necessary to prevent the client's institutionalization. Legally responsible relatives of the client, as defined in 89 Ill. Adm. Code 687.100(e), are responsible for providing the client's service needs and are not to be paid for services they provide to the client.

Section 700.500 Service Provision by Family Members (Repealed)**Section 700.600 Service to School Age Children**

Federal and state law (P.L. 94-142 and Article 14 of the School Code of

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Illinois, respectively) requires local school districts to provide the related services necessary for students to receive an appropriate education. Therefore, HSP may not be utilized to provide services to students under age 21 during the hours they are being transported to and from elementary or secondary educational programs or are attending such programs. However, children under age 21 who meet the eligibility criteria established for HSP may receive services through this program in the home during hours when programs or services which are part of the student's individualized education plan are not being provided or are not otherwise in progress.

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Section 700.APPENDIX A Guidelines for Service Tasks

The listing of service tasks below is defined in terms of the time they may require to be accomplished, and in some cases, the acceptable frequency for providing these tasks. Please note that these timelines represent the upper limits of what can be expected. The timelines for these service tasks reflect the service needs of a single individual. In some cases, the timelines specify an amount of time spent actively performing a task, and a second amount identified as "total duration." The total duration includes both work time and the waiting time needed for some tasks such as washing clothes or letting a freezer thaw for defrosting. Whenever possible, other tasks should be performed during the waiting time.

Personal Care:

Feeding (by hand) -- 30 minutes/meal

Feeding (cut food, place utensils) -- 5 minutes/meal

Feeding (supervision) -- 30 minutes/meal

Bathing -- 30 minutes/day (30 minutes/bath for incontinent clients)

Shampooing -- 30 minutes each 3 times/week

Combing -- 10 minutes each

Shaving -- 10 minutes each 7 times/week

Nail care -- 15 minutes/week

Dental care -- 10 minutes/day

Dressing/undressing -- 15 minutes each 2 times/day (except incontinent clients)

Bowel/bladder care -- 15 minutes each

Preparing Meals:

Cold breakfast -- 15 minutes each

Hot breakfast -- 30 minutes each (only if required because of disability)

Lunch -- 15 minutes each

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Dinner -- 30 minutes each (preparation) -- 60 minutes each (total duration)

Therapeutic -- same as above

Shopping:

Groceries -- 45 minutes/week (includes 3 miles transportation) OR 3 hours/month

Personal -- 2 hours/month (includes 3 miles transportation)

Pick up mail -- 30 minutes/week (includes 3 miles transportation) OR 2 hours/month

Cash checks/buy food stamps -- 1 hour/month (includes 3 miles transportation)

Pay bills and other financial transactions -- 1 hour/month

Housekeeping:

Total floor care -- 1 hour/week OR 4 hours/month

Clean kitchen -- 15 minutes/meal plus 30 minutes/week

Clean bathroom -- 15 minutes/week/bathroom

Wash dishes -- 15 minutes/meal OR 30 minutes/day

Dusting -- 1 hour/month

Picking up living space -- 1 hour/week OR 4 hours/month

Making/changing beds -- 15 minutes/week (for incontinent clients, 15 minutes/bed change)

Garbage/trash disposal -- 15 minutes/week

Laundry:

(8 loads/month includes 4 loads clothes, 4 loads linens except for incontinent clients)

Washing/drying -- 15 minutes each load (work) OR 2 hours/month -- 1 hour each load (total duration) OR 8 hours/month -- 15 minutes/week

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transportation OR 1 hour/month

Folding -- 15 minutes/load OR 2 hours/month

Putting away -- 15 minutes/load OR 2 hours/month

Mending -- 30 minutes/month

Seasonal Chores:

Clean and defrost refrigerator -- 4 times/year -- 1 hour each (work) -- 3 hours each (total duration)

Clean oven -- 1 hour (work)/6 months -- 2 hours (total duration)/6 months

Clean walls, woodwork, closets, cupboards -- 8 hours/6 months

Clean windows -- 15 minutes/window/year

Snow removal -- authorize ONLY for walkways needed due to client mobility impairment; do not otherwise authorize for driveways or sidewalks

Mow lawn -- 30 minutes/week; 16 weeks/year

Rake leaves -- do not authorize except where needed for walkways due to client mobility impairment

Tend furnace/carry fuel -- do not authorize without local office supervisor permission

Changing storm/screen -- 15 minutes/window/6 months

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NOTICE OF PROPOSED RULE

1) Heading of the Part: Service Planning and Provision2) Code Citation: 89 Ill. Adm. Code 6843) Section Numbers:

| | <u>Proposed Action:</u> |
|--------|-------------------------|
| 684.10 | New |
| 684.20 | New |
| 684.30 | New |
| 684.40 | New |
| 684.50 | New |
| 684.60 | New |
| 684.70 | New |
| 684.80 | New |
| 684.90 | New |
| 684.00 | New |

4) Supervisory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].5) Complete Description of the Subjects and Issues Involved: In order to streamline and clarify the Administrative Rules for the Home Services Division, all current Administrative Rules are being repealed and all new Administrative Rules are being proposed.

The proposed Administrative Rules do no reflect programmatic changes, rather just clarification and consolidation of the program provisions.

6) Will this rulemaking replace any emergency rulemaking currently in effect?

Does this rulemaking contain an automatic repeal date? No.

Does this proposed rulemaking contain incorporations by reference? No.

Are there any other proposed rulemakings pending on this Part? No.

Statement of Statewide Policy Objectives: This is not applicable to this rulemaking.

Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

DEPARTMENT OF REHABILITATION SERVICES

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Telephone number: (217) 785-3896
TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rule begins on the next page:

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NOTICE OF PROPOSED RULE

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
 SUBCHAPTER d: HOME SERVICES PROGRAM

PART 684

SERVICE PLANNING AND PROVISION

| Section | |
|---------|---|
| 684.10 | Service Plan |
| 684.20 | Procuring an Appropriate Service Provider |
| 684.30 | Family Members as Service Providers |
| 684.40 | Distribution of the Service Plan |
| 684.50 | Service Plan Content |
| 684.60 | Provision of Services |
| 684.70 | Service Planning Limitations |
| 684.80 | Interim Services |
| 684.90 | Coordination of HSP and Other Services |
| 684.100 | Denial or Termination of HSP Services |

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 18 Ill. Reg. _____, effective _____.

Section 684.10 Service Plan

- a) All services to be provided to an individual through HSP must be necessary to meet an unmet care need of the individual or to provide relief to the caregiver for individuals eligible for respite care services and listed on a HSP Service Plan which is developed for the individual, agreed to and signed by the customer and counselor.
- b) Services provided through HSP to an individual must be:

- 1) safe and adequate;
 - 2) cost effective; and
 - 3) the most economical in terms of the individual's needs, unless a service is not available at the most economical level. In such instances, the next higher service level may be used as long as services remain within the SCM established for the individual. Documentation of an ongoing effort to locate services at the appropriate level must be in the individual's case file.
- c) The initial HSP Service Plan for an individual must be submitted with all other necessary forms to the individual's physician during the eligibility determination phase of the case (89 Ill. Adm. Code 681.100(g)) for the purpose of review and approval of the plan for care by the physician.

Section 684.20 Procuring an Appropriate Service Provider

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- a) The customer and the counselor share the responsibility to locate an appropriate service provider.
- b) The counselor has the responsibility to identify the appropriate level of service provider based on the individual's approval of the initial service plan.

Section 684.30 Family Members as Service Providers

- a) Legally responsible family members (89 Ill. Adm. Code 676.30) or for whom the individual is legally responsible (e.g., spouse, children) may not be paid through HSP to be service providers. Specifically, these individuals are:
- 1) a spouse;
 - 2) a parent of a minor child; and
 - 3) a minor child of the individual receiving services.
- b) Other relatives (i.e., aunts, uncles, first cousins, grandparents, siblings) may be paid to provide services to an individual only when:
- 1) no other appropriate service providers can be located. The case file must contain documentation that a serious and ongoing effort is being made to locate another appropriate service provider; or
 - 2) the counselor has determined, based on documentation in the case file, that the family member is the most appropriate service provider due to the care involved, or the circumstances.
- c) Individuals with a less degree of relationship to the customer shall not be considered family members for the purpose of providing services.

Section 684.40 Distribution of the Service Plan

A copy of the approved HSP Service Plan for the individual must be given to the customer, each service provider, and a copy retained for the case file.

Section 684.50 Service Plan Content

The HSP Service Plan shall include the type of service(s) to be provided to the individual, the specific tasks involved, the frequency with which the specific tasks are to be provided, the number of hours each task is to be provided per month, the rate of payment for the service(s), and, if the individual is receiving PA services, the plan for backup if the usual PA is not available to provide the services and the next planned date for redetermination.

Section 684.60 Provision of Services

Services may not be provided to an eligible individual when he/she is:

- a) hospitalized;
- b) in a facility/nursing facility;
- c) not residing in his/her home or non-institutional residence; or
- d) outside the State of Illinois.

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Section 684.70 Service Planning Limitations

- a) For individuals served through the standard Medicaid Waiver, all services listed on the Service Plan must be necessary to meet an unmet care need of the individual or, for respite cases, to provide relief to the caregiver, and must be within the SCM for the DON score attained by the individual as a result of the determination or redetermination of eligibility.
- b) For individuals receiving services through the Medicaid Waiver for Persons with AIDS, all services listed on the Service Plan must be necessary to meet an unmet care need of the individual or, for respite cases, to provide relief to the caregiver, and must be within the SCM for the DON score attained by the individual as a result of the determination or redetermination of eligibility.
- c) The SCM may be exceeded for ventilator assisted individuals (VAIs) who are receiving HSP services but have had established, through DPA, a higher rate less the cost of supplies and equipment established by DPA for institutional placement. In such cases, the amount that may be expended for HSP services shall not exceed the special care rate established for that individual by DPA.

Section 684.80 Interim Services

Prior to determination of eligibility (89 Ill. Adm. Code 681), the individual may receive interim services while an official determination of eligibility (89 Ill. Adm. Code 681) is being completed if enough information exists to presumptively establish eligibility based on:

- a) DON score;
- b) evidence of a disability as described at 89 Ill. Adm. Code 681.100(e) based on medical documentation, counselor observation, or oral information received from a knowledgeable medical professional;
- c) the individual's financial eligibility, per 89 Ill. Adm. Code 681: Subpart C;
- d) the individual meets all eligibility criteria as listed in 89 Ill. Adm. Code 682; and
- e) written or verbal approval from the individual's physician as to the appropriateness and safety of the interim service plan agreed to and signed by the customer and the counselor.

Section 684.90 Coordination of HSP and Other Services

- a) During any period covered by a DORS Vocational Rehabilitation (VR) Program (89 Ill. Adm. Code: Subchapter a) Individualized Written Rehabilitation Program (IWRP) (89 Ill. Adm. Code 572) which is developed to allow the provision of training services to an individual, no services through HSP may be provided. If the individual has an active HSP case and is receiving services at the time the IWRP commences, the individual's HSP case must be moved to inactive status, or closed.

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- b) Services may be provided to an individual receiving those VR services described in (a), above during breaks from the training facility as long as no duplicate services are being provided through the VR Program.
- c) No HSP services may be provided to an individual who is a student under the age of 21 during the hours covered by the individual's Individualized Education Plan (IEP). Services for which the individual is determined eligible through HSP may be provided during the period the individual is not receiving services through his/her IEP.
- d) Individuals receiving services through HSP must, at the earliest possible date, apply for and accept, if eligible, all other benefits which may affect HSP eligibility or services.
- e) All individuals applying for HSP services on or after October 1, 1991, must apply for, and have an eligibility determination made for, Medicaid benefits through DPA. Individuals in an active service status prior to October 1, 1991, may choose to apply for Medicaid.

Section 684.100 Denial or Termination of HSP Services

HSP services shall be denied or terminated and case closure initiated at any time the individual:

- a) moves from the State of Illinois, or cannot be located or contacted;
- b) is determined to have a projected service cost above that of the projected cost of institutionalization, with the exceptions found at 89 Ill. Adm. Code 681.500(a)(1), 681.520, and 684.50(c);
- c) the customer refuses services or further services;
- d) dies;
- e) is institutionalized and not expected to be released for a period to exceed 60 calendar days;
- f) has been referred to another agency for the same or similar services and no longer requires or is eligible for HSP services;
- g) the customer fails to conduct himself/herself in an appropriate manner (e.g., illegal activity, physical or sexual abuse, or threat thereof, or repeated verbal abuse by a customer against a DORS employee, agent or a provider providing services through HSP);
- h) the customer is not, or is no longer, at risk of institutionalization due to improvement of his/her condition;
- i) other eligibility criteria as found at 89 Ill. Adm. Code 681 is not met as a result of an initial determination of eligibility or redetermination of eligibility;
- j) the customer fails to cooperate (i.e., refuses to complete and sign necessary forms, fails to keep appointments, fails to maintain adequate providers); or
- k) a safe and adequate service plan cannot be developed as a result of the original determination of the eligibility or redetermination of eligibility.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Service Provision
- 2) Code Citation: 89 Ill. Adm. Code 695
- 3) Section Numbers:
- | | |
|---------|------------------|
| 695.10 | Proposed Action: |
| 695.100 | Repealed |
| 695.200 | Repealed |
| 695.300 | Repealed |
| 695.400 | Repealed |
- 4) Statutory Authority: Implementing and authorized by Section 3(g) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1988, ch. 23, par. 3434(g)) [20 ILCS 2405/3(g)].

- 5) A Complete Description of the Subjects and Issues Involved: In order to reorganize and clarify the Administrative Rules for the Home Services Program, all current Administrative Rules are being repealed and all new Administrative Rules are being proposed.

The proposed Administrative Rules do not reflect programmatic changes, rather just clarification and consolidation of the program provisions.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this rulemaking contain incorporations by reference? No.
- 9) Are there any other proposed rulemakings pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
TTY: (217) 785-9301

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Repealer begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

TITLE 89: SOCIAL SERVICES
 DEPARTMENT OF REHABILITATION SERVICES
 CHAPTER 8: HOME SERVICES PROGRAM

PART 695
 SERVICE PROVISION
 (REPEALED)

- 695.10 Prerequisite to Provision of Services
- 695.100 Initiation of Service Provision
- 695.100 Maintenance of Service Provision
- 695.400 Quality and Propriety of Service Provision

AUTHORITY: Implementing and authorized by Section 3(g) of "AN ACT in relation to the initiation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, par. 3434(g)).

Section 695.10 Prerequisite to Provision of Services

Availability of a service provider is a prerequisite to service provision under the Home Services Program (HSP). Services provided under the HSP Service Provision shall be provided only to, or for the direct benefit of, clients and are not to be provided for the needs of any other person.

Section 695.100 Initiation of Service Provision

Services shall be initiated for clients determined eligible no later than 15 calendar days after the notification of eligibility is provided to the client. In the event HSP services are not provided to an eligible client within this time limit, the eligible client may immediately arrange to receive the amount of the HSP services for which he/she has been determined eligible from a provider of the eligible client's choice. HSP shall make payment for such services at the rate which would have been paid to the type of vendor designated for service provision in the eligibility determination notice. Payment for services shall continue indefinitely or until HSP makes arrangements for service with an approved vendor, if applicable. See also 89 Ill. Adm. Code 695.200 Emergency Services

Section 695.200 Emergency Services

Services may be authorized by HSP on an emergency basis, prior to

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

completion of a formal eligibility determination, when the client is in imminent danger of institutionalization without such services, and where evidence of eligibility (see 89 Ill. Adm. Code 685 and 687) is available. An interim service plan shall be developed with the cooperation of the individual or agency who referred the client to HSP for service. Any type of services provided as a result of a formal eligibility determination may be provided in Emergency Service provision.

- b) Emergency Services are to be provided for no more than 90 days, i.e., sixty days maximum for Emergency Services plus a 30 day grace period for clients found ineligible for HSP.
- c) Emergency Services provision is based on the premise of presumptive eligibility. When a formal eligibility determination is completed, the eligibility period of eligible clients will be backdated to the first day of Emergency Service provision.

Section 695.300 Maintenance of Service Provision

- a) Services shall be authorized for no more than one calendar month at a time. This authorization shall be provided to the service provider prior to the beginning of each service month. Each voucher returned for payment must be accompanied by a Group Billing Sheet (IL 488-0305) or the Home Services Program Agency Billing Statement (IL 488-0326), as appropriate, to certify that services were provided as billed.
- b) If payment is made in error, HSP shall seek to recover any overpayments from the recipient of such overpayments.
- c) Services shall not be provided during any period in which the client is not residing in his/her home or is not residing at another non-institutional residence eligible for the purpose of receiving HSP services. Services may not be provided while a client is institutionalized or is residing out of state under any circumstances.
- d) Minor or temporary changes in a client's situation will be reflected in a revision of service provision for the affected time period unless:

- 1) The averaged cost of service provision would exceed the projected cost of institutionalization for the individual
- 2) The disability determination is affected
- 3) The determination of need for long-term care is affected
- 4) Financial eligibility is affected
- 5) Other eligibility criteria (e.g., citizenship, residency) may be affected.
- e) When, per 89 Ill. Adm. Code 695.300(d), service provision cannot be revised as a result of changed client situation, a redetermination must be conducted (see 89 Ill. Adm. Code 698).
- f) If it becomes necessary to locate a new service provider, the provisions of 89 Ill. Adm. Code 700 shall apply.

Section 695.400 Quality and Propriety of Service Provision

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED REPEALER

- a) It is the responsibility of HSP to assure that quality services are provided to HSP clients. The local office counselor is responsible for working closely (being available to assist the client in resolving problems which might arise between the client and service providers to ensure that the client's health and safety is ensured) with the client to ensure the client's health and safety needs are being met. Service providers will be subject to an annual review by HSP staff to determine that services are provided as agreed to by the service provider in the service plan, and to the satisfaction of the client with service delivery. This annual review will be conducted in conjunction with the annual redetermination of client eligibility. In addition, client complaints or problems related to service providers will be resolved by local office staff or a new service provider will be located. If local office staff cannot resolve such difficulties, these may also be referred to HSP management for resolution or for dissolution of any existing contractual agreements based on failure to provide services as agreed and as satisfactory to the client.
- b) If alleged fraud by a service provider or by a client as it relates to service provision is reported, local office staff will immediately refer the situation to the Internal Audit Division of the Department.
- c) Service providers retain the right to refuse service to clients on the basis of client failure to make required cost share payments, and on the basis of client behavior which is determined by the service provider to be unacceptable. This provision, however, is limited by the requirements of non-discrimination (See 89 Ill. Adm. Code 678.50). The service provider is to inform local office staff that services will be discontinued, at which time local office staff must attempt to locate another service provider.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Services
- 2) Code Citation: 89 Ill. Adm. Code 590
- 3) Section Numbers: Proposed Action:
590.320 Amendments
590.370 Repealed
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434) [20 ILCS 2405/3], and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16].
- 5) A Complete Description of the Subjects and Issues Involved:
The 1992 Amendments to the Rehabilitation Act of 1973 (Act), and the resultant proposed regulations, state that no limits may be put on services which automatically exclude any individual from being able to receive a particular service. The \$7,000 limit in DORS' participation in Business Enterprise Program, as found at 89 Ill. Adm. Code 590.370 violates the provisions of the Act and Regulations.

However, the Act and Regulations do allow for DORS to put reasonable limits on the provision of such services to ensure consumers are receiving appropriate services and funds are being appropriately expended. Therefore, additional criteria for qualifications for such services have been added at 89 Ill. Adm. Code 590.310. These added provisions are necessary to regulate this particular program of services. Failure to adequately regulate expenditures for BEPS would ultimately put DORS in violation of the Act and Regulations in that DORS would be ignoring its fiduciary responsibilities. Further, failure to add additional criteria for provision of such services could ultimately result in total depletion of DORS' budget for services putting the life, health, and safety of DORS' consumers participating in other programs at risk.

- 6) Will these proposed amendments replace an emergency rule currently in effect? Yes.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? Yes.

| Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|----------------------------|
| 590.400 | Amendments | 14627 |
| 590.410 | Amendments | 14627 |

- 10) Statement of Statewide Policy Objectives (if applicable):

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

This is not applicable to this Rulemaking.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
TTD/TTY (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small business.

The full text of the Proposed amendments is identical to the text of the Emergency amendments on page **16168**

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: Proposed Action:
100.2150 New Section
- 4) Statutory Authority: 35 ILCS 5/201(j)
- 5) A Complete Description of the Subjects and Issues Involved:

This rulemaking proposes new Section 100.2150 to adopt rules on the Training Expense Credit. The Training Expense Credit is a credit against the tax imposed under IITA Sections 201(a) and (b) for all amounts paid or accrued, on behalf of all persons employed by the taxpayer in Illinois, or Illinois residents employed outside of Illinois by a taxpayer, for educational or vocational training in semi-technical or technical fields or semi-skilled or skilled fields which were deducted from gross income in the computation of taxable income. The credit is 1.6% of eligible training expenses.

The Department began the development of this rulemaking on the Training Expense Credit over one year ago. The Department first developed a draft rule and circulated that draft for public comment. The draft was first made available at the Department's annual Tax Practitioner meeting in September, 1993. On October 8, 1994 the Department held a public hearing on its draft rules concerning the various income tax credits, including the Training Expense Credit. Subsequent to the public hearing, the Department has met with a number of taxpayer representatives as well, representatives of the Secretary of State and the Department of Commerce and Community Affairs to obtain comments of all those persons interested in the training credit rules.

The Training Expense Credit draft rules have been modified in a number of respects over the past year in response to public comment. The version of the draft rules issued May 20, 1994 was considered by the Illinois Commission on Regulatory Review at a meeting held on July 20, 1994. At that time, the Commission considered oral testimony from Director Raymond Wagner of the Department of Revenue, as well as from all members of the public who expressed an interest in providing testimony. In addition, the Commission considered written comment submitted on the draft rules.

This rulemaking is the end-product of this year-long process. We have attempted to address all of the public comments we have received with respect to draft rules over the past year. The rulemaking that has resulted, we believe, is consistent with the statutory authority

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upon which it is based, and will increase the incentives for Illinois employers to provide training for their workers.

This rulemaking will be given prospective effect by the Department. As a result of the comments received on the draft rules, the Department has developed a proposed rule that is significantly broader with respect to scope of the credit than previous Department positions articulated in Department letter rulings over the years. While this broader definition of the amounts eligible for the credit is supported by the statute, so too is the current more restrictive definition of eligible amounts as articulated by Department rulings. We have concluded that to give the rule other than prospective effect would be contrary to the spirit of Sections 5-10(c) and 5-35(b) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(c) and 5-35(b)].

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

| Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|------------------------------|
| 100.2470 | Amendment | 6/24/94, 18 Ill. Reg. 9377 |
| 100.3120 | Amendment | 9/23/94, 18 Ill. Reg. 14346 |
| 100.7010 | Amendment | 9/23/94, 18 Ill. Reg. 14346 |
| 100.2590 | New Section | 9/23/94, 18 Ill. Reg. 14346 |
| 100.7200 | Amendment | 10/7/94, 18 Ill. Reg. 14878 |
| 100.7300 | Amendment | 10/7/94, 18 Ill. Reg. 14878 |
| 100.2100 | Amendment | 10/21/94, 18 Ill. Reg. 15546 |
| 100.2101 | New Section | 10/21/94, 18 Ill. Reg. 15546 |
| 100.2110 | New Section | 10/21/94, 18 Ill. Reg. 15546 |
| 100.2120 | New Section | 10/14/94, 18 Ill. Reg. 15338 |
| 100.2130 | New Section | 10/14/94, 18 Ill. Reg. 15338 |
| 100.2140 | New Section | 10/14/94, 18 Ill. Reg. 15338 |
| 100.2160 | New Section | 10/14/94, 18 Ill. Reg. 15338 |
| 100.2170 | New Section | 10/14/94, 18 Ill. Reg. 15338 |
| 100.2180 | New Section | 10/14/94, 18 Ill. Reg. 15338 |

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a state mandate, nor does it affect any existing state mandate.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Keith Staats
Senior Counsel - Income Tax
Illinois Department of Revenue
Office of General Counsel
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 782-6336

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: Any small business that claims the Training Expense Credit.
- B) Reporting, bookkeeping or other procedures required for compliance: Section 100.2150(d)(3) sets forth the documentation and recordkeeping requirements for claiming the credit. We have endeavored to propose a rule that will take into account the needs of all business, including small business by drafting a rule with flexibility that allows a number of different ways of providing documentation of the information in support of claims for the Training Expense Credit.
- C) Types of professional skills necessary for compliance: Basic bookkeeping and recordkeeping skills. Again, we have attempted to draft a rule that contains the necessary flexibility to make claiming the credit available to businesses of all sizes.

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section

100.2000 Introduction

100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

100.2100 Investment Credit

100.2150 Training Expense Credit (IITA 201(j))

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

Section

100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope

100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions

100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses; Offsets Between Members

100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards

100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income

100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER
DECEMBER 31, 1986

Section

100.3200 Taxability in Other State (IITA Section 303)

100.3210 Commercial Domicile (IITA Section 303)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

100.2300 Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986

100.2310 Computation of the Illinois Net Loss Deduction

100.2320 Determination of the Amount of Illinois Net Loss Carryovers

100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers

100.2340 Illinois Net Loss Deductions of Corporations That are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns

100.2350 Illinois Net Loss Deductions of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS,
CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section

100.2470

Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

100.2680

Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF
BASE INCOME

Section

100.3000

Terms Used in Article 3 (IITA Section 301)

100.3010 Business and Nonbusiness Income (IITA Section 301)

100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section

100.3100

Compensation (IITA Section 302)

100.3110 State (IITA Section 302)

100.3120 Allocation of Compensation Paid to Non-Residents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3200

Taxability in Other State (IITA Section 303)

100.3210 Commercial Domicile (IITA Section 303)

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100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
 100.3310 Business Income of Persons Other than Residents (IITA Section 304) - In General
 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment
 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation
 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
 100.3350 Property Factor (IITA Section 304)
 100.3360 Payroll Factor (IITA Section 304)
 100.3370 Sales Factor (IITA Section 304)
 100.3380 Special Rules (IITA Section 304)
 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
 100.3400 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

100.5000 Time for Filing Returns: Individuals (IITA Section 505)
 100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
 100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)

100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)

SUBPART O: COMPOSITE RETURNS

Section

100.5100 Composite Returns: Eligibility
 100.5110 Composite Returns: Responsibilities of Authorized Agent
 100.5120 Composite Returns: Individual Liability
 100.5130 Composite Returns: Required forms and computation of Income
 100.5140 Composite Returns: Estimated Payments
 100.5150 Composite Returns: Tax, Penalties and Interest
 100.5160 Composite Returns: Credit for Resident Individuals
 100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

Section

100.5200 Election to File a Combined Return
 100.5210 Procedure for Making the Election
 100.5220 Designated Agent for the Members
 100.5230 Combined Estimated Tax Payments
 100.5240 Claims for Credit of Overpayments
 100.5250 Liability for Combined Tax, Penalty and Interest
 100.5260 Combined Amended Returns
 100.5270 Computation of Combined Income and Tax
 100.5280 Definitions and Miscellaneous Provisions Relating to Combined Returns

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section

100.7000 Requirement of Withholding (IITA Section 701)
 100.7010 Compensation Paid in this State (IITA Section 701)
 100.7020 Transacting Business Within this State (IITA Section 701)
 100.7030 Payments to Residents (IITA Section 701)
 100.7040 Employer Registration (IITA Section 701)
 100.7050 Computation of Amount Withheld (IITA Section 701)
 100.7060 Additional Withholding (IITA Section 701)
 100.7070 Voluntary Withholding (IITA Section 701)
 100.7080 Correction of Underwithholding or Overwithholding (IITA Section 701)
 100.7090 Reciprocal Agreement (IITA Section 701)
 100.7095 Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section

100.7100 Withholding Exemption (IITA Section 702)
 100.7110 Withholding Exemption Certificate (IITA Section 702)
 100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

Section

100.7200 Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section

100.7300 Returns of Income Withheld from Wages (IITA Section 704)

DEPARTMENT OF REVENUE

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100.7310 Quarterly Returns Filed on an Annual Basis (IITA Section 704)
 100.7320 Time for Filing Returns (IITA Section 704)
 100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)
 100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)

SUBPART U: COLLECTION AUTHORITY

Section
 100.9000 General Income Tax Procedures (IITA Section 901)
 100.9010 Collection Authority (IITA Section 901)

SUBPART V: NOTICE AND DEMAND

Section
 100.9100 Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT

Section
 100.9200 Assessment (IITA Section 903)
 100.9210 Waiver of Restrictions on Assessments (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section
 100.9300 Deficiencies and Overpayments^a (IITA Section 904)
 100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
 100.9320 Limitations on Notices of Deficiency (IITA Section 905)
 100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Y: CREDITS AND REFUNDS

Section
 100.9400 Credits and Refunds (IITA Section 909)
 100.9410 Limitations on Claims for Refund (IITA Section 911)
 100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section
 100.9500 Access to Books and Records (IITA Section 913)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

100.9510 Taxpayer Representation and Practice Requirements
 100.9520 Conduct of Investigations and Hearings

SUBPART AA: JUDICIAL REVIEW

Section
 100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

Section
 100.9700 Unitary Business Group Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section
 100.9800 Letter Ruling Procedures

APPENDIX A Business Income Of Persons Other Than Residents
 TABLE A Example of Unitary Business Apportionment
 TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August

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29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 18 Ill. Reg. _____, effective _____.

SUBPART B: CREDITS

Section 100.2150 Training Expense Credit. (IITA 201(j))

a) A taxpayer shall be allowed a credit against the tax imposed by IITA Sections 201(a) and (b) for all amounts paid or accrued, on behalf of all persons employed by the taxpayer in Illinois, or Illinois residents employed outside of Illinois by a taxpayer, for educational or vocational training in semi-technical or technical fields or semi-skilled or skilled fields, which were deducted from gross income in the computation of taxable income (IITA Section 201(j)).

b) The credit against the tax imposed by IITA Sections 201(a) and (b) shall be 1.6% of eligible training expenses (IITA Section 210(j)).

c) All amounts paid for educational or vocational training in semi-technical or technical fields or semi-skilled or skilled fields are eligible for the credit. No particular fields of employment are presumptively eligible or ineligible for the credit.

1) The Training Expense Credit was originally enacted into law as a training expense deduction by P.A. 83-650, the Prairie State 2000 Authority Act and was later converted into the current Training Expense Credit by P.A. 84-1405. The Illinois General Assembly found that there existed a large surplus of workers throughout the State who are ready, willing and able to work but who lack the appropriate skills to perform the specialized tasks for modern business and industry....The General Assembly found that a substantial impediment to attracting new businesses and encouraging the modernization of existing businesses has been the shortage of workers who can perform the specialized tasks required by the new technologies of modern business. [20 ILCS 4020/2]

2) The credit is for the amounts paid or accrued for educational or vocational training in semi-technical or technical or semi-skilled or skilled fields.

A) The terms "semi-technical or technical fields or semi-skilled or skilled fields" do not refer to any

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particular occupation. This statutory language authorizes the credit for the costs of training of an employee to improve that employee's job skills within the scope of his or her employment. The credit will be authorized for the costs of job-linked training that offers special skills for career advancement or that is preparatory for, and leads to a job with definite career potential.

C) The credit will be authorized for amounts expended for training necessary to implement Total Quality Management or improvement systems within the workplace.

D) The credit will be authorized for training related to machinery or equipment.

E) The credit will be authorized for job-linked basic skills, which may include English as a second language and remedial training, necessary for employees to function effectively and safely in the workplace, or as a prerequisite for other training.

EXAMPLES: Training of a machine operator in skills necessary to operate a computer-assisted manufacturing machine would qualify for the credit. Training of the employees of a retailer in the operation of a cash register system that is designed to aid the retailer by resulting in faster sales and greater inventory control because of centralized linkage of the system to the retailer's headquarters would, assuming all other requirements are met, qualify for the credit. A course in how to supervise employees required of supervisors because of the installation of a computer system at the business with terminals in the homes of that supervisor's subordinates that allows those subordinates to work from their homes would qualify for the credit.

F) Training does not have to occur in a classroom. Training may be given by an employer to his or her employees, an employer may contract with a third party to provide the training, or an employer may reimburse an employee for the costs of training purchased by an employee. Eligible training may include self-study courses. Self-study courses will qualify if the employer demonstrates that the self-study coursework is training in semi-technical or technical or semi-skilled or skilled fields. Self-study training must be contrasted with the type "down time" reading which, as stated in subsection (d)(2)(B), below, does not qualify for the credit.

G) Training does not have to occur on the premises of the employer. Training does not have to occur in the State

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of Illinois. However, in order to claim costs of employee travel and lodging, an employer must document that the costs of travel were related to the training and were deducted in determining the employer's federal taxable income.

H) A training expense that would otherwise not qualify for the credit will not be deemed to qualify for the credit because of a designation of an employee as a probationary employee, a trainee, or a similar designation of that nature.

d) Only amounts expended for eligible training will qualify as eligible training expenses. Such costs may or may not constitute "direct expenses" as that term is used in normal accounting parlance. Capitalized costs will not qualify for the credit. However, as noted below, depreciation expenses associated with capital expenditures may qualify for the credit. The term "compensation" used in this Section is defined in IRTA Section 1501(a)(3).

1) The following costs qualify as eligible training expenses:

A) Compensation of employees for time spent in training others in in-house training will qualify as eligible training expenses, but the compensation must be prorated based on the amount of time actually spent in conducting the training.

B) Compensation of an employee for time spent in preparing for in-house training as or for an instructor will qualify because such compensation is an expense of the training.

C) Compensation of an employee for time spent in training will qualify for the credit.

D) The cost of materials (i.e., slides, hand-outs, etc.) for in-house training will qualify for the credit because such costs are expenses of the training.

E) Pro-rata rent of a training facility is an expense eligible for the credit. Similarly, depreciation expenses for a training facility owned by a taxpayer or for equipment used for training are eligible expenses.

F) Costs of registration (including allocable wages of employees performing the registration) with state, federal or industry authorities may be eligible expenses, if such costs are related to eligible training.

G) Tuition reimbursement is an eligible expense provided that the tuition amounts were deducted in determining the employer's federal taxable income.

H) Costs of travel and lodging for eligible training provided that the costs were deducted in determining the employer's federal taxable income.

2) The following costs do not qualify as eligible training

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expenses:

A) The cost of the training facility and equipment is not an eligible expense. Capital costs are not eligible for the credit. However, as noted above, depreciation expense is eligible.

B) Compensation of an employee for "down time" spent informally training (i.e., a mechanic with no machinery on which to work reading about new equipment, or a mechanic reading about specifications of equipment never before encountered) is not an eligible expense.

C) Compensation of an employee for time spent supervising another employee is not an eligible expense. For instance, a supervisor spending an hour a day reviewing and discussing a new employee's progress and planning the new employee's future work schedule would not be an eligible expense.

D) Cost of a meal (breakfast or lunch) provided in the course of a brief training session is not an eligible expense. Similarly, the cost of meals provided to an employee during an all-day training session is not an eligible expense.

3) Employers must maintain records sufficient to document that the training is eligible training. Employers must maintain records that document the amounts expended for eligible training expenses. An employer may maintain documentation as required for the Industrial Training Program of the Illinois Department of Commerce and Community Affairs (see 56 Ill. Adm. Code 2650.120), or as maintained by employers in compliance with the requirements of the Illinois Secretary of State's Workplace Literacy Program (see 23 Ill. Adm. Code 3040.220 and 3040.240) for purposes of documentation for the Training Expense Credit. Employers may claim the credit based upon average or standard costs of training each employee. The documentation of amounts expended for eligible training expenses, or documentation maintained to claim the credit based upon average or standard costs, must be sufficient to demonstrate that the training for which the credit is claimed is on behalf of persons employed by the taxpayer in Illinois, or Illinois residents employed outside of Illinois by the taxpayer, the training qualifies for the credit under the standards of subsection (b) of this Section above, and the expenditures are eligible training expenses under the standards of subsection (d)(1) above. In the event an employer claims the credit based upon average or standard costs, this documentation must include detailed information concerning the methodology utilized in determining the average or standard costs.

e) For purposes of the training expense credit and this rule, the term "persons employed by the taxpayer in Illinois" shall include both employees whose compensation is subject to withholding

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under IITA Section 701 (including employees who are exempt from withholding pursuant to IITA Section 701(d)). A person is employed in Illinois by the taxpayer if that person has "compensation paid in this State" as that term is defined in IITA Section 304(a)(2)(B). Sole proprietors, partners of partnerships, shareholders of corporations, beneficiaries of trusts or estates, or other individuals who own an interest in the employer are not employees for purposes of this credit, unless in the case of shareholders or beneficiaries, they are able to demonstrate that, separate and apart from their ownership status, they are also employees of the concern.

f) For partners and shareholders of subchapter S corporations, there shall be allowed a credit under IITA Section 201(j) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code (IITA Section 201(j)).

g) Any credit allowed under this subsection which is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is computed until it is used. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability, the earliest credit arising under this subsection shall be applied first (IITA Section 201(j)).

(Source: Added at 18 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Service Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 140
- 3) Section Numbers: Proposed Action:

| | |
|---------|-----------|
| 140.101 | Amendment |
| 140.125 | Amendment |
| 140.201 | Amendment |
- 4) Statutory Authority: 35 ILCS 115
- 5) A Complete Description of the Subjects and Issues Involved:

The proposed rulemaking updates the Service Occupation Tax regulations to include changes enacted by Public Acts 87-876, 88-337, and 88-480.

Public Act 87-876, effective January 1, 1993, changed the Service Occupation Tax base to permit registered de minimis servicemen to elect to remit Service Occupation Tax based upon their cost price of tangible personal property transferred incident to the sale of service. This Act provides that food prepared for immediate consumption and transferred incident to a sale of service by an entity licensed under the Hospital Licensing Act or the Nursing Home Care Act shall be subject to tax at the rate of 1%. The Act also provides that the transfer of standard or stock parts in the repair of qualifying exemption manufacturing machinery and equipment is exempt.

Public Act 88-337, effective January 1, 1994, exempts from Retailers' Occupation Tax, Service Occupation Tax, Service Use Tax and Use Tax, the sale or transfer of semen used for artificial insemination of livestock for direct agricultural production.

Public Act 88-480, effective January 1, 1994, amended the definition of "persons" to include limited liability companies.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

| | | |
|------------------------|------------------------|-----------------------------|
| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>IL Register Citation</u> |
| 140.401 | Amendment | 18 Ill. Reg. 15383 |
| 140.405 | Amendment | 18 Ill. Reg. 15383 |

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- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Sherri Baker Spies
Associate Counsel
Illinois Department of Revenue
Office of General Counsel
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: No new procedures are required that would impact small businesses.
- B) Reporting, bookkeeping or other procedures required for compliance: Standard bookkeeping and reporting procedures are required.
- C) Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendment(s) begins on the next page:

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 140

SERVICE OCCUPATION TAX

SUBPART A: NATURE OF TAX

| | |
|---------|--|
| Section | Rate and Basis and-Rate of the Service Occupation Tax |
| 140.101 | Registration of Servicemen |
| 140.105 | Presumption that Tax Applies (Repealed) |
| 140.110 | Occasional Sales to Servicemen by Suppliers (Repealed) |
| 140.115 | Meaning of Serviceman |
| 140.120 | Examples of Nontaxability |
| 140.125 | Exemption of Food, Drugs and Medical Appliances |
| 140.126 | Suppliers of Printers (Repealed) |
| 140.130 | Sales of Drugs and Related Items, to or by Pharmacists |
| 140.135 | Other Examples of Taxable Transactions |
| 140.140 | Multi-Service Situations |
| 140.145 | |

SUBPART B: DEFINITIONS

General Definitions

| | |
|---------|--|
| Section | |
| 140.201 | |

SUBPART C: BASE OF THE TAX

| | |
|---------|-----------------------------------|
| Section | Cost Price |
| 140.301 | Refunds by Supplier or Serviceman |
| 140.305 | |

SUBPART D: TAX RETURNS

| | |
|---------|---|
| Section | |
| 140.401 | Monthly Returns When Due -- Contents of Returns |
| 140.405 | Annual Tax Returns |
| 140.410 | Final Return |
| 140.415 | Taxpayer's Duty to Obtain Form |
| 140.420 | Annual Information Returns by Servicemen |
| 140.425 | Filing of Returns for Serviceman "Suppliers" by their Suppliers |
| | Under Certain Circumstances |
| | Incorporation by Reference |
| 140.430 | |

SUBPART E: INTERSTATE COMMERCE

| | |
|---------|---|
| Section | |
| 140.501 | Sales of Service Involving Property Originating in Illinois |
| 140.505 | Sales of Service Involving Property Originating Outside of Illinois |

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(Repealed)

SUBPART F: REGISTRATION UNDER THE SERVICE OCCUPATION TAX ACT

140.1310 Blanket Percentage Exemption Certificates (Repealed)

SUBPART N: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
140.601

General Information

Section
140.701

SUBPART G: BOOKS AND RECORDS

Requirements

SUBPART H: PENALTIES, INTEREST AND PROCEDURES

Section
140.801

General Information

SUBPART I: WHEN OPINIONS FROM THE DEPARTMENT ARE BINDING

Section
140.901

Written Opinions

SUBPART J: COLLECTION OF THE TAX

Section
140.1001
140.1005
140.1010
140.1015
140.1020
140.1025

Payment of Tax to the Supplier

Receipt to be Obtained for Tax Payments

Payment of Tax Directly to the Department

Itemization of the Tax by Suppliers

Use of Bracket Chart

Advertising in Regard to the Tax

SUBPART K: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING -- MEANING OF DUE DATE WHICH FALLS ON SATURDAY, SUNDAY OR A HOLIDAY

Section
140.1101

Filing of Documents with the Department

SUBPART L: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section
140.1201
140.1205
140.1210

When Lessee of Premises May File Return for Leased Department

When Lessor of Premises Should File Return for Leased Department

Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART M: USE OF EXEMPTION CERTIFICATES

Section
140.1301
140.1305

When Purpose of Serviceman's Purchase is Known (Repealed)

When Purpose of Serviceman's Purchase is Unknown

Section
140.1401
140.1405
140.1410
140.1415

Claims for Credit -- Limitations -- Procedure

Disposition of Credit Memoranda by Holders Thereof

Refunds

Interest

SUBPART O: DISCONTINUATION OF A BUSINESS

Section
140.1501

Procedures

SUBPART P: NOTICE OF SALES OF GOODS IN BULK

Section
140.1601

Requirements and Procedures

SUBPART Q: POWER OF ATTORNEY

Section
140.1701

General Information

AUTHORITY: Implementing the Service Occupation Tax Act [35 ILCS 115] and authorized by Section 39b30 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b30].

SOURCE: Adopted May 21, 1962; amended at 3 Ill. Reg. 23, p. 161, effective June 3, 1979; amended at 3 Ill. Reg. 44, p. 198, effective October 19, 1979; amended at 4 Ill. Reg. 24, pp. 526, 536 and 550, effective June 1, 1980; amended at 5 Ill. Reg. 822, effective January 2, 1981; amended at 6 Ill. Reg. 2879, 2883, 2886, 2892, 2895 and 2897, effective March 3, 1982; codified at 6 Ill. Reg. 9326; amended at 9 Ill. Reg. 7941, effective May 14, 1985; amended at 11 Ill. Reg. 14090, effective August 11, 1987; emergency amendment at 12 Ill. Reg. 14419, effective September 1, 1988, for a maximum of 150 days; emergency expired January 29, 1989; amended at 13 Ill. Reg. 9388, effective June 6, 1989; amended at 14 Ill. Reg. 262, effective January 1, 1990; amended at 14 Ill. Reg. 15480, effective September 10, 1990; amended at 15 Ill. Reg. 5834, effective April 5, 1991; amended at 18 Ill. Reg. 1550, effective January 13, 1994; amended at 18 Ill. Reg. _____, effective _____.

SUBPART A: NATURE OF TAX

Section 140.101 Rate and Basis and Rate of the Service Occupation Tax

- a) General. The Service Occupation Tax Act (the Act) [35 ILCS 115], ~~Rev. Stat.~~ 1989-~~Ch.~~ 120, ~~para.~~ 499-~~101-et-seq.~~ imposes a tax upon

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persons engaged in this State in the business of making sales of service based on tangible personal property transferred as an incident of a sale of service. These persons are referred to hereinafter as servicemen.

- b) Rate of Service Occupation Tax the rate of the tax after September 30, 1969, is 4%, and on and after January 1, 1984, and prior to January 1, 1990, is 5% of the serviceman's cost price of tangible personal property transferred by the serviceman as an incident to a sale of service. Except as provided in subsection (g) on and after January 1, 1990, the rate of tax is 6.25% of the selling price of tangible personal property transferred by the serviceman.

1) The rate of tax after September 30, 1969, is 4%, and on and after January 1, 1984, and prior to January 1, 1990, is 5% of the serviceman's cost price of tangible personal property transferred by the serviceman as an incident of a sale of service.

2) Except as otherwise provided in this Section, on and after January 1, 1990, the rate of tax is 6.25% of the selling price of tangible personal property transferred as an incident of a sale of service by the serviceman.

3) On and after January 1, 1984, and prior to January 1, 1990, food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages and food which has been prepared for immediate consumption and except as provided in paragraph 4 below) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics, for human use will be taxed at the rate of 0%. On and after January 1, 1990, the rate of tax will be 1%. The definition of food does not include soft drinks.

4) Effective January 1, 1993, food prepared for immediate consumption and transferred incident to a sale of service by an entity licensed under the Hospital Licensing Act or the Nursing Home Care Act shall be subject to tax at the rate of 1%.

- c) Basis of Service Occupation Tax On and after January 1, 1984, and prior to January 1, 1990, food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics for human use, will be taxed at the rate of 0%, and on and after January 1, 1990, the rate of tax will be 1%. Food does not include soft drinks.

1) Definition of De Minimis Serviceman

A serviceman may qualify as de minimis if the serviceman's aggregate annual cost price of tangible personal property transferred as an incident of the sale of service is less than 3% (75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production) of the aggregate annual total gross receipts from all sales of service.

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Using the annual aggregate method of determining de minimus status, a serviceman determines if he is under the 3% (75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production) cost of materials to total transaction selling price ratio by examining the total annual aggregate cost of materials transferred in the course of providing service and the total annual aggregate receipts from the sales of service, including sales of service in which no property is transferred. The cost of materials sold at retail or removed from inventory for use, or incorporated into repairs of real estate, must be excluded when determining the above percentage threshold. The annual aggregate method will be determined on the basis of the taxpayer's fiscal year. Prior year's ratios cannot be used to determine the current year's threshold. For purposes of determining de minimus status, no transaction by transaction determination is permitted.

- 2) Servicemen Incurring Service Occupation Tax Liability Effective January 1, 1993, (Public Act 87-876), a serviceman that is registered under the Service Occupation Tax Act or that is otherwise required to be registered as a retailer under Section 2a of the Retailers' Occupation Tax Act, incurs Service Occupation Tax on tangible personal property transferred as an incident of a sale of service. Such a registered serviceman must give suppliers certificates of resale when purchasing tangible personal property that will be transferred as an incident of a sale of service and must remit Service Occupation Tax to the Department using one of the following Service Occupation Tax bases:

A) The separately stated selling price of the tangible personal property transferred. The selling price of each item of tangible personal property transferred as an incident of a sale of service may be shown as a distinct and separate item on the serviceman's billing to the service customer. In no event shall the selling price be less than the cost price to the serviceman of the tangible personal property so transferred; or

B) If the serviceman does not separately state the selling price of the tangible personal property transferred, the selling price may be deemed to be 50% of the serviceman's entire billing to the service customer. In no event shall the selling price be less than the cost price to the serviceman of the tangible personal property so transferred; or

C) If the serviceman is de minimus, the serviceman may elect for the fiscal year to incur Service Occupation Tax based upon the serviceman's cost price of tangible personal property transferred as an incident of the sale of those services.

(i) This Service Occupation Tax liability includes

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applicable local service occupation tax and accordingly should be self-assessed and remitted to the Department directly based upon the serviceman's location, rather than paid to the serviceman's supplier. Payment of tax to a serviceman's supplier in this situation, could result in underpayment of local service occupation tax.

- (ii) Tax collected under this subsection (C) as a reimbursement for the serviceman's service occupation tax liability based upon the serviceman's cost price, need not be separately stated unless so requested by the service customer.

3) Servicemen Incurring Use Tax Liability

Effective January 1, 1993, (Public Act 87-876), at the election for each fiscal year, a de minimus serviceman, that is not otherwise required to be registered as a retailer under Section 2a of the Retailers' Occupation Tax Act, does not incur Service Occupation Tax liability on tangible personal property transferred incident to a sale of service. Rather, such de minimus serviceman incurs Use Tax on the cost price of tangible personal property purchased for transfer pursuant to the provision of a sale of service. This Use Tax liability must be remitted to the supplier at the time of purchase, or in the case where the tax is not charged by the supplier, (for example, purchases from an unregistered out-of-state supplier or an unregistered de minimus serviceman), the de minimus serviceman must self-assess the Use Tax liability and remit it directly to the Department.

- A) Registration only for purposes of self-assessing and remitting Use Tax to the Department as a serviceman is not registration as a retailer under Section 2a of the Retailers' Occupation Tax Act. Such a serviceman may not offer or accept certificates of resale or other exemption certificates except as provided in subsection (C) below.

- B) Registration for purposes of collecting and remitting Use Tax to the Department on retail sales enables the de minimus serviceman to offer and accept certificates of resale and accept other exemption certificates unless that serviceman is registered only for the purpose of remitting Use Tax to the Department as a serviceman as provided in subsection (A) above.

- C) An unregistered de minimus serviceman or a de minimus serviceman registered only for the purpose of remitting Use Tax to the Department may not accept or claim an exemption offered by a service customer. However, where the character of the tangible personal property itself is the source of the exemption, (for example, newspaper and ink and farm chemicals), such serviceman may offer a certification to suppliers that the serviceman's purchase is exempt from tax

under the specific exemption, (i.e., the newspaper and ink exemption where the tangible personal property purchased (paper and ink) will ultimately be incorporated into or used as exempt newspaper and ink, or the farm chemical exemption where the farm chemicals purchased will be used in production agriculture).

- d) The date of the sale of service is deemed to be the date of the delivery, to the user, of the tangible personal property which the serviceman transfers as an incident of a sale of service.

- e) Effective January 1, 1990, for the purpose of determining the tax base, selling price shall in no event be less than the cost price to the serviceman of the tangible personal property transferred. The selling price of each item of tangible personal property transferred incident to a sale of service may be stated as a distinct item by the serviceman to the service customer and the tax imposed by this act shall when collected be stated as a distinct item separate and apart from the selling price of the tangible personal property transferred. Selling price of each item of tangible personal property transferred incident to a sale of service is not stated as a separate item on the serviceman's billing to the service customer, then the tax imposed by this act shall be based on 50% of the serviceman's entire billing to the service customer. (Section 3 of the Act), but in no event shall this amount be less than the cost price to the serviceman of the tangible personal property so transferred.

- f) A serviceman making a sale of service in which the cost price of tangible personal property transferred as an incident to the sale of service is less than 35% (75% in the case of servicemen transferring prescription drugs) or servicemen engaged in graphic arts production as the term graphic arts production is defined in Section 2-30 of the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1989, ch. 120, par. 2-30) of the total gross receipts from the transaction is not subject to service occupation tax. However, the purchase of such tangible personal property by the serviceman shall be subject to tax under the Retailers' Occupation Tax and Use Tax and should be paid by the serviceman to his supplier or self-assessed and paid to the Department. A serviceman may determine the 35% threshold as follows: 1) transaction by transaction method. A service transaction means a sale of services set forth on a single invoice. For example, in a car repair transaction, several different services may be billed on one invoice. All such services shall be grouped and considered together to determine if the cost of goods is 35% or more of that total transaction amount.

Example:

| COST PRICE | SELLING PRICE | LABOR CHARGE | TOTAL SERVICE CHARGE |
|-------------------|---------------|--------------|----------------------|
| \$-60.00 | \$100.00 | \$-50.00 | \$-150.00 |
| 1-Replace exhaust | | | |

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pipe9-muffler
clamps

2-Pin-Brake
A)-turn-rocker
B)-pad9-master
cylinder

40-00 40-00

3-0at-changer
filter-five
quarts-of
oil

150-00 250-00 300-00

4-00 8-00 10-00

524-00 530-00 530-00

10-00 10-00 10-00

530-00 530-00 530-00

the before 524-00 cost of parts is 39% of the 530-00 total transaction amount. Service Occupation Tax (SOT) is due on the 530-00 selling price of the parts when that amount is separately stated on the bill apart from the 510-00 charge for labor. If the selling price of the parts is not specifically stated (530-00) on the invoice, one-half of the total transaction amount (530-00 divided by 2 = 265-00) is subject to SOT. The cost price of the parts need not be stated on the customer's invoice, but is shown here for illustrative purposes only. If the cost price of the parts was less than 35% of the total service charge, the serviceman would self-assess Use Tax on the purchase price (524-00) of the parts if tax was not previously paid to the supplier. If tax was paid to the supplier, the serviceman is not required to collect tax as a specific item on the invoice to the customer. Retail sales subject to Retailers' Occupation Tax, such as over the counter sales of parts, must be excluded when determining the 35% threshold.

24 Annual aggregate method. A serviceman may elect to determine if he is under the 35% cost of materials to total transaction selling price ratio by examining the total annual aggregate cost of parts transferred in the course of providing service and the total annual aggregate receipts from the sales of service including sales of service in which no property is transferred. The cost of materials sold at retail or removed from inventory for use or incorporated into repairs of real estate must be excluded when determining the above percentage threshold. The annual aggregate method will be determined on the basis of the taxpayer's fiscal year. The taxpayer may elect to use either method to determine the cost of materials to total transaction selling price ratio.

9e) When a serviceman contracts to design, develop and produce special order machinery or equipment, the tax imposed by this Act shall be based on the serviceman's cost price of the tangible personal property transferred incident to the completion of the contract. (Section 3 of the Act).

9f) Taxpayers who are registered may purchase all tangible personal property for retransfer by providing their suppliers with valid resale

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certificates even if in some transactions the cost price of the tangible personal property will be less than 35% of the total gross receipts from the transaction. If the serviceman paid tax to his supplier in the expectation that the cost of parts would be less than 35% of the total transaction selling price, but the actual percentage was more than 35%, the serviceman would be able to take credit for the state tax paid to the supplier but would be liable for tax on the selling price of the parts, if stated, or on 50% of the total transaction selling price gross receipts from the transaction where there is no separately stated selling price. In the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production, replace the references to 35% in this subsection with 75%. The serviceman may also be liable for penalties due to a failure to file returns.

4g) Examples:

1) Registered Servicemen

| | Cost | Selling Price | Gross Receipts | Tax Base |
|-----------------------|---------|---------------|----------------|---|
| Not Separately Stated | \$50.00 | -0- | \$62.50 | \$50.00 (Base is never less than cost price.) |
| Separately Stated | \$12.00 | \$15.00 | \$25.00 | \$15.00 (Selling price) |
| Not Separately Stated | \$12.00 | -0- | \$30.00 | \$15.00 (1/2 of gross receipts) |
| Separately Stated | \$12.00 | \$10.00 | \$26.00 | \$12.00 (Cost/selling price) |

2) Servicemen Not Required to be Registered as Retailers

** (Not subject to Service Occupation Tax if not required to be registered as a retailer. Subject to Retailers' Occupation or Use Tax--35% Rule on \$2.00+ 35% rule.)

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 140.125 Examples of Nontaxability

The tax does not apply to:

- Sales of intangible personal property;
- Sales of real property;
- Sales of personal services as such;

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- d) sales of tangible personal property which come within the protection of the Commerce Clause of the Constitution of the United States (see Subpart E of this Part);
- e) purchases of tangible personal property where the serviceman gives a valid exemption certificate to his supplier;
- f) the retail selling of tangible personal property which is taxable under the Retailers' Occupation Tax Act (111--Rev--Stat--1987--ch-120--pars--440-et-seq- [35 ILCS 120] or the Use Tax Act (111--Rev--Stat--1987--ch-120--pars--439-et-seq- [35 ILCS 105]);
- g) a sale of tangible personal property for the purpose of resale apart from the purchaser's engaging in a service occupation;
- h) sales of tangible personal property as an incident to sales of service:
- 1) to or by any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes (Section 2 of the Act);
 - 2) to or by any corporation, society, association, foundation or institution operated primarily for the recreation of persons aged 55 years or older which has no compensated officers or employees;
 - 3) to or by any governmental body (Section 2 of the Act);
 - 4) by any corporation, society association, foundation or institution organized and operated as a not-for-profit service enterprise for the benefit of persons aged 65 years of age or older, only to the extent of purchases of personal property not purchased by the enterprise for the purpose of resale by the enterprise (Section 2 of the Act);
 - 5) to a not-for-profit Illinois county fair association for use in conducting, operating or promoting the county fair (Section 2 of the Act);
 - 6) to any not-for-profit music or dramatic arts organization which has received an exemption under Section 501(c)(3) of the Internal Revenue Code and which is organized and operated for the presentation of live public performances of musical or theatrical works on a regular basis (Section 2 of the Act);
 - 7) In order to qualify for exemption, all the above listed organizations must have been issued an active exemption identification number by the Department.
- i) the sale, employment and transfer of such tangible personal property as newspaper and ink for physical incorporation into newspapers or magazines;
- j) the incorporation of tangible personal property into real estate by a construction contractor, which activity constitutes a taxable "use" under the Retailers' Occupation Tax Act and the Use Tax Act, rather than the carrying on of a service occupation;
- k) the sale, employment and transfer, as an incident to a sale of service, of such tangible personal property as pollution control facilities and low sulphur dioxide coal fueled devices;
- l) sales of stock tonics, serums and other medicinal products to veterinarians for retransfer as an incident to service in caring for

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- farm animals;
- m) sales of sprays and farm chemicals as an incident to service by persons engaged in the service occupation of spraying crops or applying farm chemicals for others;
- n) sale of either new or used farm machinery, equipment or replacement parts transferred as an incident to a sale of service for use in production agriculture or for use in state or federal agricultural programs;
- o) A sale or transfer of machinery and equipment used primarily in the process of manufacturing or assembling, either in an existing, an expanded or a new manufacturing facility, of tangible personal property for wholesale or retail sale or lease, whether such sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether such sale or lease is made apart from or as an incident to the seller's engaging in a service occupation and of--producing--machines--tools--dies--figs--patterns--gauges--or--similar-items-of-no-commercial-value-on-special-order-for-a-particular-purchaser--when-the-machinery-or-equipment-is-produced---by---the---seller---thereof---for---the---manufacturer---or---the-manufacturer-is-lessee-on-special-order-in-such-a-way-as-to--have-made the applicable tax is a service occupation tax or service use tax, rather than retailers' occupation tax or use tax. (Section 2 of the Act). (Amended by Public Act 87-876, effective January 1, 1993.) The transfer of standard or stock parts in the repair of qualifying exempt manufacturing machinery and equipment is not exempt;
- p) a sale or transfer of graphic arts machinery and equipment, including repair and replacement parts used primarily for graphic arts production by means of printing or other processes or as those processes are defined in Major Group 27 of the U.S. Standard Industrial Classification Manual (Section 2 of the Act);
- q) sales of oil field exploration, drilling and production equipment and individual replacement parts costing the purchaser \$250 or more;
- r) sales of coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment and repair parts costing the purchaser \$250 or more;
- s) a sale or transfer of tangible personal property as an incident to the rendering of service for interstate carriers for hire for use as rolling stock moving in interstate commerce or lessors under leases of one year or longer, executed or in effect at the time of purchase, to interstate carriers for hire for use as rolling stock moving in interstate commerce (Section 2 of the Act);
- t) a sale or transfer of tangible personal property as an incident to the rendering of service for owners, lessors or shippers of tangible personal property which is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce (Section 2 of the Act);
- u) the sale or transfer of distillation machinery and equipment, sold as a unit or kit and assembled or installed by the retailer, which

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machinery and equipment is certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of such user and not subject to sale or resale (Section 2 of the Act);

v) sales by teacher-sponsored student organizations affiliated with Illinois elementary and secondary schools; or

w) sales of legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States or any foreign country and bullion, which shall mean gold, silver or platinum in a bulk state with a purity of not less than 980 parts per 1,000. In no circumstance shall items sold as jewelry or mounted for wear as jewelry qualify for this exemption;

x) Sales of modified or custom software are exempt. Sales of canned software in a service transaction would be subject to tax. Computer software means all types of software including operational, application, utilities, compilers, templates, shells and all other forms. Software is considered to be tangible personal property regardless of the form in which it is transferred or transmitted, including tape, disc, card, electronic means or other media. The sale at retail or transfer of canned software intended for general or repeated use is taxable, including the sale of software which is subject to manufacturer licenses restricting the use or reproduction of the software. Tax applies to the entire charge made to the customer, including charges for all associated documentation and materials. Charges for updates and maintenance of software are considered to be sales of software. Charges for training, telephone assistance, installation and consultation are exempt if they are separately stated from the selling price of software; or

y) sale or transfer of semen used for artificial insemination of livestock for direct agricultural production. (Public Act 88-337, effective January 1, 1994.)

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART B: DEFINITIONS

Section 140.20) General Definitions

- a) "Cost Price" means all the consideration actually received by the supplier and paid by the serviceman, whether such consideration be paid in money or otherwise, including cash, credits or services.
- b) "Department" means the Department of Revenue.
- c) "Person" means any natural individual, firm, partnership, association, joint stock company, limited liability company, joint venture, public or private corporation, and any receiver, executor, trustee, conservator or other representative appointed by order of any court. (Amended by Public Act 88-480, effective January 1, 1994.)
- d) "Sale at Retail" means "sale at retail" as defined in the Retailers'

Occupation Tax Act, (Ill.-Rev.-Stat.-1997--ch.-120, par.-449) [35 ILCS 120].

e) "Sale of Service" means any transaction except:

- 1) a retail sale of tangible personal property taxable under the Retailers' Occupation Tax Act or under the Use Tax Act (Section 2 of the Act);
- 2) a sale of tangible personal property for the purpose of resale made in compliance with Section 2c of the Retailers' Occupation Tax Act (Section 2 of the Act);
- 3) a sale or transfer of tangible personal property as an incident to the rendering of service for or by any governmental body or for or by any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes or for or by any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers and employees and which is organized and operated primarily for the recreation of persons 55 years of age or older. However, effective July 1, 1987, this exception will not apply unless the entities noted above have an active exemption identification number issued by the Department (Section 2 of the Act);
- 4) effective September 1, 1968, a sale or transfer of tangible personal property as an incident to the rendering of service for interstate carriers for hire for use as rolling stock moving in longer, executed or in effect at the time of purchase, to interstate carriers for hire for use as rolling stock moving in interstate commerce (Section 2 of the Act);
- 5) a sale or transfer of tangible personal property as an incident to the rendering of service for owners, lessors or shippers of tangible personal property which is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce (Section 2 of the Act);
- 6) the sale or transfer of distillation machinery and equipment, sold as a unit or kit and assembled or installed by the retailer, which machinery and equipment is certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of such user and not subject to sale or resale or (Section 2 of the Act);
- 7) a sale or transfer of machinery and equipment used primarily in the process of manufacturing or assembling, either in an existing, an expanded or a new manufacturing facility, of tangible personal property for wholesale or retail sale or lease, whether such sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether such sale or lease is made apart from or as an incident to the seller's engaging in a the service occupation and of

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~~producing--machines,--tools,--dies,--jigs,--patterns,--gauges--or--other similar-items-of-no-commercial--value--on--special--order--for--a particular-purchaser,--when-the-machinery-or-equipment-is-produced by-the-seller-therof-for-the-manufacturer-or-the-manufacturer's lessee-on-special-order-in-such-a-way-as-to-have-made the applicable tax is a Service Occupation Tax or Service Use Tax, rather than Retailers' Occupation Tax or Use Tax (Section 2 of the Act).~~ (Amended by Public Act 87-876, effective January 1, 1993.)

f) "Selling price" means the price set by the serviceman for the tangible personal property transferred in a service transaction. It includes all the consideration actually received by the serviceman for such property including cash, credits or services, whether paid in money or otherwise. In no event shall the selling price be less than the cost price.

gf) "Serviceman" means any person who is engaged in the occupation of making sales of service.

hg) "Supplier" means any person who makes sales of tangible personal property to servicemen for the purpose of resale as an incident to a sale of service.

h) "Selling price" means the price set by the serviceman for the tangible personal property transferred in a service transaction. It includes all the consideration actually received by the serviceman for such property including cash, credits or services, whether paid in money or otherwise. In no event shall the selling price be less than the cost price.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Driver Education
- 2) Code Citation: 23 Ill. Adm. Code 252
- 3) Section Number: Adopted Action:
252.20 Amendment
252.25 New Section
252.30 Amendment
- 4) Statutory Authority: 105 ILCS 5/27-23 and 27-24, as amended by P.A. 88-188, effective January 1, 1994.
- 5) Effective Date of Rules: October 25, 1994
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rule contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: October 14, 1994.
- 9) Notice of Proposal Published in Illinois Register:
June 10, 1994; 18 Ill. Reg. 8557.
- 10) Has JCAR issued a Statement of Objections to these rules? No.
- 11) Difference(s) between proposal and final version:
The word "sections" in Section 252.20(a) has been changed to "Sections".
The reference in the last sentence of Section 252.20(d) has been changed to "subsection (a)(5) of this Section" instead of "Section 252.20(a)(5)".
A new subsection (D) has been added to Section 252.25(d)(4).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this amendment replace an emergency amendment currently in effect?
No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendment: These amendments respond to P.A. 88-188, which requires that a student have passed 8 courses in the previous 2 semesters in order to be eligible for driver education, unless he or she has received a waiver of this requirement as provided in Section

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course for all eligible Illinois students, regardless of the district of their residence, who attend an independent, parochial, or private school which is located within that school district's boundaries when application is made by the administrators of the independent, parochial, or private school. By April 1, the nonpublic school shall notify the district offering the course of the names and district numbers of the nonresident students desiring to take such a course the next school year. The district offering such course shall notify the district of residence of those students affected by April 15.

- 4) A) An eligible student may elect to enroll in an approved driver education course at a commercial school at his or her expense.
- 5) School districts are obligated to make the driver education course available within a reasonable length of time after a request has been filed. (Reasonable length of time is based on a student's individual needs and the school district's ability to meet the student's needs.)
- b) When to Offer the Course -- Any high school district offering an approved driver education course must offer the course during the school day and may offer the course at other times.
 - 1) The driver education course may not be offered only during the summer months or extended school days.
 - 2) Enrollment in a driver education course must be closed at the inception of the course. Another course may be started when enrollment warrants.

- c) Program Organization -- Approved driver education courses must be organized according to the standards established in Section 27-24 et seq. of the School Code (the Driver Education Act) ~~§§27-24 et seq.~~ ~~1985-Chr--1227-par--27-24-et-seq--}~~ and this Part. ~~§§27-24 et seq.~~ ~~1985-Chr--1227-par--27-24-et-seq--}~~

- 1) Any student who is enrolled in a driver education course should receive classroom and laboratory instruction at the same school or public school district.
- 2) When circumstances make it necessary or beneficial for a student to receive laboratory instruction from a school other than that from which he or she received classroom instruction, official verification of satisfactory completion of the classroom portion and parental consent must be on file in the office of the management or the chief school officer of a school or public school district before laboratory instruction only shall be given. Examples of such circumstances are listed below.

- A) A student changes the district of his or her residence after classroom completion.
- B) A student is a resident of the district but attends an approved school outside of the State of Illinois.
- C) A student changes residence from another state to Illinois after completion of a comparable course and reciprocity is established. Reciprocity is established if the other state's driver education course requires at least 30 clock hours of classroom instruction and 6 clock hours of practice

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driving.

- D) A school in Illinois is dissolved, has lost its license to operate, or the driver education course being offered is no longer approved.
- E) A student is in attendance at a private school other than in the student's district of residence.
- 3) A minimum of thirty clock hours of classroom instruction must be completed by each student.
- 4) The length of each instructional period shall not exceed ninety minutes.
- 5) Both the classroom and laboratory instruction must each be scheduled regularly throughout a period of not less than six complete weeks (four weeks allowable in summer programs).
- 6) Laboratory instruction shall not begin until the student has started classroom instruction.
- 7) Laboratory instruction may be taught during an extended school day.
- 8) Each student shall have a valid instructional permit when engaged in practice driving instruction. Driver education instructors shall not certify to the Secretary of State that a student is enrolled in a driver education course and requires an instruction permit to participate in practice driving until just prior to the beginning of the student's practice driving instruction, and in no event shall such certification be made so that the instruction permit will be issued more than two weeks prior to the student's first practice driving experience with an approved driver education instructor.
- 9) The law requires each student to complete a minimum of six clock hours of practice driving instruction or its equivalent. At least one but not more than three student observers must be in the car during practice driving on public streets. At least one hour of observation time is required for each hour of practice driving.
- 10) Two hours of multiple-car instruction may be provided in lieu of one hour of practice driving in a dual-control car, provided that the facility shall consist of a minimum of 80,000 square feet and provide the following elements for learning experiences: basic driving maneuvers; basic problems of traffic flow and conflict; procedural and perceptual decision making. A minimum of two hours must be in a dual-control car under traffic conditions.
- 11) Four hours of driving simulation instruction may be provided in lieu of one hour of practice driving, with driving simulation being used as a replacement for no more than three clock hours of practice driving. Driving simulation and practice driving must be concurrent or consecutive.
- 12) Laboratory instruction which employs a combination laboratory program, as defined in Section 252.10 of this Part, may be authorized on an annual basis provided it meets the following standards:
 - A) two clock hours of multiple-car instruction are provided in

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lieu of each clock hour of practice driving, with such instruction being used as a replacement for no more than 4 clock hours of practice driving;

- B) four clock hours of driving simulation are provided in lieu of each clock hour of practice driving, with driving simulation being used as a replacement for no more than 3 clock hours of practice driving; and

- C) no less than 1 clock hour of practice driving is provided.

13) *School Districts may adopt a policy to permit proficiency examinations for the practice driving phase of the driver education course at any time after a student completes 3 hours of practice driving under the direct instruction of a qualified driver education teacher. The instruction provided to students under a policy adopted by the local school board pursuant to this authority must comply with the definition of "Practice Driving" in Section 252.10 of this Part; and the examination given to students after their completion of at least three clock hours of practice driving instruction:*

- A) must be the same as the examination given at the completion of six hours of practice driving; and
- B) must include an assessment of each student's ability to make proper decisions in varying levels of traffic, and to execute these decisions in a smooth, safe, and efficient manner.

14) Satisfactory driver education course completion denotes that each student has the minimum competencies which meet course objectives and is eligible for the Illinois Driver Education Certificate.

15) Integrated program course completion dates of both parts must be scheduled to coincide insofar as possible.

- d) Enrollment -- All eligible students who reside in a public school district must be provided an equal opportunity to enroll in the driver education course.

1) The local school district of which a student is a resident has the responsibility of providing the approved driver education course when requested by the student.

2) A public school student's declaration of intent is considered made at the time of regular registration.

3) Other eligible residents of the district are considered to have made a declaration of intent when the course is requested on an individual basis from the public high school. Such request must be honored within a reasonable length of time. (See: subsection (a)(5) of this Section. 252-20(a)(5))

4) Independent, parochial, and private school administrators may request the approved driver education course for all eligible students, residents in Illinois, from the public school district in which the nonpublic school is located.

5) Administrators and teachers of state approved high school driver education programs shall not acquire an interest in, teach in, or solicit for a commercial driver education school.

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6) Dual-Control Cars -- The driver education car is to be used for instructional purposes. A school district may not use the driver education car for purposes other than that which is designated by agreement or contract. Automobiles used for on-street driver education purposes must display a printed sign which measures at least 18 inches in width and nine inches in height. It must not obstruct vision through the rearview mirror or interfere with the operation of safety devices. The lettering, which must be a minimum of two inches in height, must be black on a school bus yellow background.

7) Contracting -- In fulfilling the requirements of the Driver Education Act, a public school district must either offer the course in its own school or must provide the course for its students and any other legal residents of the school district who request the course, through a joint agreement with another public school district or through the provisions of the cooperative school district law programs.

A) Schools offering an approved driver education program shall not contract the course from any individual or agency.

B) Inasmuch as commercial driver education schools are not allowed through the Motor Vehicle Act, to contract with another commercial school, contracting between two or more commercial driver education schools to provide the approved driver education course for youth is also prohibited.

8)e) Students, as individuals, have the options of applying for the course at the high school district of their residence or of purchasing the course from a commercial school.

(Source: Amended 18 Ill. Reg. 16307, effective OCT 25 1994)

Section 252.25 Eligibility of Students

a) Pursuant to Sections 27-23 and 27-24.2 of the School Code, no student shall be permitted to enroll in a driver education course provided by a public school district, a nonpublic school, or a commercial driving school unless he or she has either:

- 1) received a passing grade in at least 8 courses during the previous 2 semesters; or
- 2) received a waiver of this requirement from the superintendent of the public school district or the chief administrator of the nonpublic school in which the student is or will be enrolled full-time during the semester for which enrollment in driver education is sought.

b) Courses

1) For the purposes of this Section, a "course" means a sequence of instructional activities or unit of schoolwork for which a grade is given and listed in a student's academic transcript.

2) For the purpose of determining eligibility under this Section,

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any coursework completed by a student during a summer term falling within the twelve-month period immediately preceding the beginning of the semester for which enrollment in driver education is sought shall be counted towards the 8 courses for which passing grades are needed.

c) Waivers

1) If in the sole judgment of the public school district superintendent or nonpublic school chief administrator of the school in which the student is or will be enrolled full-time during the semester for which enrollment in driver education is sought, waiver of the requirements set forth in subsection (a)(1) of this Section would be in the best interest of a student who has requested enrollment in driver education, the superintendent or chief school administrator may waive the requirement for that student.

2) A record of any waiver granted pursuant to this Section shall be entered into the affected student's temporary student record as defined in 23 Ill. Adm. Code 375.75, or its equivalent in the case of a nonpublic high school.

d) Verification of Eligibility

1) Each public school district, nonpublic school, or commercial school offering driver education shall be responsible for verifying the eligibility of all students seeking enrollment in such courses.

2) Commercial driving schools and students wishing to enroll in them shall be subject to all applicable provisions of the Secretary of State's rules for Commercial Driver Training Schools (92 Ill. Adm. Code 1060).

3) Public school districts and nonpublic schools offering driver education shall establish procedures for verifying the eligibility of students enrolled there full-time when eligibility is based upon the records created by, or transferred to, such schools. If the public school district or nonpublic school previously attended by a student fails to transfer records in time to permit the student's enrollment in driver education, then unofficial records or a sworn statement of the student shall be used to certify eligibility.

4) When a student requests enrollment in driver education coursework offered by an entity other than the school district or nonpublic school he or she attends, the school district or nonpublic school offering such coursework shall be responsible for requesting confirmation of the student's eligibility pursuant to this Section.

A) Confirmation may be obtained either in writing, by telephone, or via electronic means addressed to the official records custodian designated by the school pursuant to Section 50-4(a) of the School Code [105 ILCS 10/4(a)], provided that a notation is entered in the student's temporary record describing how and when confirmation was

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secured and identifying the official who provided the information, with his or her title.

B) The response shall indicate only whether or not the student is eligible and shall not indicate what grades a student received or whether the student received a waiver.

C) Failure of a school district or nonpublic school to respond to a request for eligibility verification within 15 calendar days shall be construed as a positive response and the student in question shall be considered eligible for driver education. The requesting school district or nonpublic school shall inform the sending district or nonpublic school, in writing, of the attempts made to verify eligibility and the lack of response. This notification shall indicate that, in the absence of a response, the student is considered to be eligible. A copy of the notification shall be placed in the student's temporary record.

D) A student enrolled in a home school who wishes to enroll in driver education offered by a public school district or nonpublic school shall present, and each such entity shall accept as verification of the student's eligibility, a signed, notarized statement stipulating:

- i) that the student is enrolled in a home school;
- ii) that he or she is eligible pursuant to subsection (a) of this Section; and
- iii) that the signature presented is that of the individual who administers the school attended by the student.

(Source: Added at 18 Ill. Reg. 16307, effective OCT 25 1994)

Section 252.30 The Terms of Reimbursement for Public School Participation in the Program

a) Claims for Reimbursement -- These shall be made under oath or affirmation of the president or acting president of the school board and the chief school administrator for the district employed by the school board.

1) Reimbursement shall be determined in accordance with the provisions of Sections 27-24.4 and 27-24.5 of the Driver Education-Act School Code. If the local school board establishes a policy permitting students to take a proficiency examination after at least three (3) clock hours of practice driving (see Section 252.20(c)(13)), and student(s) successfully complete the examinations, the claim for reimbursement will include this fact. However, reimbursement for students who fail the proficiency examination may be claimed only upon their completion of six (6) clock hours of practice driving.

2) The state shall not reimburse any district for any student

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enrolled in the driver education course who has repeated any part of the course more than once, who did not meet the age requirements of the Act or was otherwise ineligible during the period in which he or she was enrolled in the course, who did not hold a valid instruction permit during the laboratory instruction, or any district which did not adequately publicize and provide the course in a reasonable time after requested.

5) If the sum appropriated from the driver education fund is insufficient to pay all claims submitted each year, the amount payable to each district shall be proportionately reduced.

4) The school district which is the residence of a eligible pupil who attends a nonpublic school in another district that has furnished the driver education course shall reimburse the district offering the course the difference between the actual per capita cost of giving the course the previous school year and the amount reimbursed by the state.

5) The district may charge a reasonable fee -- not to exceed the amount specified in Section 27-23 of the School Code -- to students who participate in a driver education course approved in accordance with this part. This fee shall supersede any other fee(s) or portion thereof charged to students and attributable to the driver education course. As used in this part, "reasonable fee" means a fee calculated by dividing the sum of documented annual district costs for items such as instructional materials (if not included in the district's textbook rental fee), the cost of driver education cars, car maintenance costs, fuel, and insurance by the number of students participating in the driver education course. For purposes of this calculation, the cost of driver education cars that are purchased by the district shall be amortized over a five-year period, and the cost of leasing cars shall be included in the fee calculation in the year such costs are incurred.

6) No fee shall include any portion of the costs for school district personnel salaries and benefits.

7) The driver education fee shall be waived with respect to any student who applies pursuant to this subsection and who is eligible for ~~Free or Reduced Price Meals~~ free lunches or breakfasts pursuant to ~~Section 7-12-i-et-seq-of-the-School-Code~~ ~~(111 Rev. Stat. 1985, ch. 127, par. 7-12-i-et-seq.)~~ the School Free Lunch Program Act [105 ILCS 125], or ~~for Public Aid under Article IV of the Public Aid Code (111 Rev. Stat. 1985, ch. 237, par. 4-i-et-seq.)~~ or ~~who is eligible under such other circumstances as the district decides requires a waiver and with respect to other students in accordance with the district's policy adopted in accordance with Section 1.245 ("Waiver of School Fees") of the rules of the State Board of Education (see 23 Ill. Adm. Code 1, Public Schools Evaluation, Recognition and Supervision).~~

b) Tuition Student -- The district of residence will pay the entire per

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capita cost of such instruction to the other school and make claim for state reimbursement for such student.

c) Cooperative School Programs -- In fulfilling the reimbursable requirements, a school district must provide an approved driver education course or participate in a special education cooperative or be part of an approved joint school agreement with another public school district.

d) Records -- Daily attendance records shall be kept by the teachers in the manner prescribed in Section 27-24.6 of The School Code and are to be used to certify claims made under the Act.

1) Records must be maintained by the school which substantiate daily lessons, time behind the wheel, observation time, other laboratory experiences and periodic as well as final evaluation of each student. Also recorded shall be the beginning and ending dates of classroom and laboratory instruction. Students are to be identified by their instructional permit number, name, address and other personal information.

2) Such records are to be on file in the office of the driver education supervisor, principal, or other manager at the time reimbursement and/or certification is requested.

3) Driver education participation records are to be kept and be readily available for a period of not less than three years.

4) All records are subject to yearly audit by state auditors.

e) Public School District Participation Agreement -- Prior approval affirms continuous approval as long as the school continues to maintain standards established in the Driver Education Act and this Part. An educational specialist from the office of the State Board of Education will visit each reimbursable program annually, after which a letter describing the status of the course will be issued to the district superintendent.

f) Driver Education Cost Accounting -- Records of all expenses incurred in the operation of a reimbursable driver education program must be maintained by school officials. Actual school expenditures for administration, supervision, instruction, instructional supplies, inservice training for teachers, operation of equipment, buildings, and other special construction (provided a schedule is on file) may be used to determine the actual per capita cost.

(Source: Amended at 18 Ill. Reg.
OCT 25 1994)

16307

effective

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- 1) Heading of the Part: Special Education
- 2) Code Citation: 23 Ill. Adm. Code 226
- 3) Section Number: Adopted Action:
 226.5 Amendment
 226.535 Amendment
 226.552 Amendment
 226.560 Amendment
 226.562 Amendment
 226.575 Amendment
 226.682 Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6.
- 5) Effective Date of Rules: October 25, 1994
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rule contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: October 14, 1994.
- 9) Notice of Proposal Published in Illinois Register:
 May 6, 1994; 18 Ill. Reg. 6482.
- 10) Has JCAR issued a Statement of Objections to these rules? No.
- 11) Difference(s) between proposal and final version:
 A colon has been added to introduce the list in the definition of Assistive Technology Service (Section 226.5).
- The last paragraph in the definition of Instructional Programs (Section 226.5) has been moved to the next indent level. Also, Section 226.535(c)(9)(A)(v) has been modified by adding to the end of that subsection the words "or traumatic brain injury."
- The phrase "as authorized by Section 14-8.01 of the School Code" has been added before the statutory citation in Section 226.535(c)(9)(A)(i).
- Section 226.562(a)(6) has been changed to end with a period.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

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- 13) Will this amendment replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? Yes.
- Section Numbers Proposed Action Illinois Register Citation
 226.430 Amendment 18 Ill. Reg. 9810
- 15) Summary and Purpose of Amendments: Most of these amendments respond to requirements imposed by the federal Office of Special Education Programs (OSEP) as a result of the 1990 reauthorization of the Individuals With Disabilities Education Act (IDEA) and subsequent federal rulemaking.
- For example, the added and modified definitions in Section 226.5 conform to the federal regulations at 34 CFR 300.5, 300.6, 300.16, and 300.18.
- The amendment to Section 226.535 was made necessary by the formal recognition of autism among the characteristics leading to eligibility for special education, as set forth in the language added to Section 226.552. The addition of autism and traumatic brain injury to the list of characteristics in that Section, along with the deletion of education handicap, brings the Illinois rules into conformance with 34 CFR 300.7. Developmental delay is defined here to match the content of Illinois' approved state plan for special education.
- The changes to Section 226.560 and some of those to Section 226.562 are needed to comply with 34 CFR 300.344 regarding planning for transition services, and the new language in Section 226.575 reflects agreements made with OSEP in conjunction with its approval of the state plan as regards services to very young children.
- Another aspect of Section 226.562 arises from enactment of P.A. 87-934, which changed the basis on which a disabled student's participation in the Illinois Goal Assessment Program is decided. This rule now reflects the requirements of the federal regulations at 34 CFR 300.4, 300.6, and 300.550.
- Finally, changes are being made in Section 226.682 in order to improve administrative procedures connected with hearings.
- 16) Information and questions regarding this adopted amendment shall be directed to:
Name: Vaughn Morrison
Address: Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777-0001
Telephone: (217) 782-6601

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SUBTITLE A: EDUCATION

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SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

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 226.1195 Documentation of Expenses

AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/art. 14 and 2-3.6].

SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg.

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8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days; emergency expired November 23, 1990; amended at 15 Ill. Reg. 40, effective December 24, 1990; amended at 16 Ill. Reg. 12868, effective August 10, 1992; emergency amendment at 17 Ill. Reg. 13622, effective August 3, 1993, for a maximum of 150 days; emergency expired December 31, 1993; amended at 18 Ill. Reg. 1930, effective January 24, 1994; amended at 18 Ill. Reg. 4685, effective March 11, 1994; amended at 18 Ill. Reg. **16318**, effective **OCT 25 1994**.

SUBPART A: DEFINITION OF TERMS

Section 226.5 Terms Defined

"Assistive Technology Device" means any item, piece of equipment or set of related products, however acquired or modified, that is used to increase, maintain, or improve the functional capabilities of children with disabilities.

"Assistive Technology Service" means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:

The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;

Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing assistive technology devices;

Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

Training or technical assistance for a child with a disability or, if appropriate, that child's family; and

Training or technical assistance for professionals (including

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individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of children with disabilities.

"Case Study" shall be defined as a series of in-depth multidisciplinary diagnostic procedures, conducted within an established time frame and designed to provide information about the child, the nature of the problems which are or will be affecting his/her educational development, and the type of intervention and assistance needed to alleviate these problems.

"Consent" means the parent(s):

has been informed of all necessary information

understands and agrees in writing to carrying out the activity for which consent is sought

understands that the granting of consent is voluntary on his or her part and may be revoked at any time.

"Continuum of Alternative Placements" means the availability of different types of educational environments, for example: regular classes, resource room classes, self-contained classes, day and residential special schools, home instruction, hospital instruction, and institutional instruction, and community and other settings.

"Counseling Services" means services provided by qualified personnel such as: social workers, psychologists, guidance counselors, or other qualified personnel.

"Exceptional Children" means all children designated in Article 14 of the School Code. These children may exhibit handicapping or exceptional characteristics ranging from very mild to very severe.

"Individualized Education Program (IEP)" means a written statement for an exceptional child that provides at least a statement of: the child's present levels of educational performance; annual goals and short-term instructional objectives; specific special education and related services; the extent of participation in the regular education program; the projected dates for initiation of services; anticipated duration of services; appropriate objective criteria and evaluation procedures; and a schedule for annual determination of short-term objectives.

"Instructional Programs" means those activities which provide the principal elements of the exceptional child's educational development at any given time. These activities may include any or all of the

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following:

evaluation of the nature of the child's educational needs

amelioration of and compensation for visual, auditory, physical, speech or other impairments

development of language concepts and communication skills

educational experiences which are adjusted in content, emphasis, rate or location

modification of social skills or emotional adjustment.

For the purpose of this Part, an instructional program shall be considered as one in which the exceptional child spends 50% or more of his/her school day.

"Language Use Pattern" means the language or combination of languages which the child uses to conceptualize and communicate those conceptualizations.

"Least Restrictive Environment" means to the maximum extent appropriate, handicapped children are educated with nonhandicapped children. Special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap requires that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

"Multidisciplinary Conference" means deliberation among appropriate persons for the purpose of determining eligibility for special education, developing recommendations for special education placement, reviewing educational progress, or considering the continuation or termination of special education for an individual child.

"Parent" means the natural or adoptive parent, a guardian, a person acting as a parent of a child, or surrogate parent who has been appointed by the State Board of Education.

"Parent Counseling and Training" means procedures utilized in assisting parents in understanding the special needs of their child and in providing parents with information about child development.

"Psychological Evaluation" means an individual evaluation of the child's functioning in the cognitive, psychomotor, social/emotional, and academic achievement or aptitude areas using appropriately validated formal and informal tests and evaluation material.

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"Qualified Specialist" means those professional special education personnel who meet either the certification or approval requirements described in Subpart I of this Part.

"Reevaluation" means a series of diagnostic procedures which are performed in accordance with Section 226.535 for the purpose of determining a child's continued eligibility for special education.

"Referral" means a formal procedure, established by the local school district, by which a case study evaluation may be requested.

"Rehabilitation Counseling Services" means services provided by qualified personnel in individual or group sessions that focus on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to students with disabilities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended (29 U.S.C. 794).

"Related Services" means the developmental, corrective, and other supportive services which are required to assist a handicapped child to benefit from special education. Such services include: speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling and rehabilitation counseling services, and medical services for diagnostic or evaluation purposes. The term also includes transportation, school health services, social work services, and parent counseling and training.

"Resource Programs" means specialized educational instructional services which are provided to the child for less than 50% of his or her school day.

"School Days" means those days on which school is officially conducted during the regularly established school year. (See ~~Ill. Rev. Stat. ch. 122, Sec. 10-19~~ Section 10-19 of the School Code [105 ILCS 5/10-19].)

"School Health Services" means services provided by a qualified school nurse or other qualified persons.

"Screening" means the process of reviewing all children in a given group with a set of criteria for the purpose of identifying certain individuals for evaluations who may be in need of special education.

"Social Developmental Study" means a compilation and analysis of information concerning those life experiences of the child, both past and present, which pertain to the child's problems and/or to the

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possible alleviation of those problems.

"Special Education" means those instructional and resource programs and related services, unique materials, physical plant adjustments, and other special educational facilities, such as instruction in other settings, described or implied in Article 14 of ~~the~~ the School Code which, to meet the unique needs of exceptional children, modify, supplement, support, or are in the place of the standard educational program of the public schools. The term includes speech pathology and vocational education.

"Special Education Placement" means the provision of specified public special education services, including and limited to a special education instructional program, resource program, special education related services, speech and language services, homebound services, hospital services, referral to a nonpublic program or a state-operated facility.

"Special School" means an educational setting which is established by the local school district exclusively to meet the needs of exceptional children.

"Special Transportation" means those transportation services which are required because of the child's exceptional characteristics or the location of the special education program or related services, and which are in addition to the regular transportation services provided by the local school district.

"Standard Education Program" means the educational program generally offered by the local school district to the majority of its students.

"Staff Conference" see definition of Multidisciplinary Conference in this Section.

"Surrogate Parent" means a person who acts in the educational behalf of an exceptional child, in accordance with Subpart K of this Part.

"Transition Services" means a coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The plan for these must be based on the individual student's needs, preferences, and interests; address instruction, community experiences, the development of employment and other post-school adult living objectives, acquisition of daily living skills, and functional vocational evaluation; and identify the positions and agency affiliations of the persons responsible for the delivery of the

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services designated.

(Source: Amended 18 Ill. Reg. 16318, effective October 23, 1994)

Section 226.535 Case Study Evaluation Components

The child shall be given a case study evaluation appropriate to the nature of the problems which caused the referral. The intensity of the evaluation procedures shall be determined by the complexity of the child's problems and the amount of information necessary to understand those problems and develop the IEP in accordance with Section 226.560, 226.555, and 226.5.

a) For the child who requires special education placement at home or in a hospital because of a temporary physical or health impairment, estimated to last six months or less, a homebound services case study evaluation shall be conducted, and an IEP developed. This evaluation shall include, but need not be limited to:

- 1) Evaluation of the physical or health impairment by a licensed medical physician, for diagnostic and evaluative purposes.
- 2) Estimation by the physician of the time the child will require homebound services.
- 3) A review of the child's current educational status and academic needs.
- b) For the child whose problems seem to be limited to the area of speech or language, a speech and language case study evaluation shall be conducted and an IEP developed. This evaluation shall include, but need not be limited to:
 - 1) A hearing screening completed at the time of the evaluation or within the previous six months
 - 2) A review of the child's medical history and current health status
 - 3) A review of the child's academic history and current educational functioning
 - 4) An assessment of the child's speech and language by a certified speech and language clinician
 - 5) An interview with the child.

The speech or language impaired child with additional handicapping conditions or educational deficits shall be referred for further evaluation.

c) For all other children, a comprehensive case study evaluation shall be conducted. This evaluation shall include, but need not be limited to:

- 1) An interview with the child
- 2) Consultation with the child's parents
- 3) A social developmental study, including an assessment of the child's adaptive behavior and cultural background
- 4) A report regarding the child's medical history and current health status
- 5) A vision and hearing screening, completed at the time of the evaluation or within the previous six months
- 6) A review of the child's academic history and current educational

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evaluation of the child's learning processes and achievement
child's learning environment
uations specific to the nature of the child's

ological evaluation by a certified school
hologist, with the extent to be determined by the
ation, shall be required:

der to place any child in a special education
placement for children with mental impairment as
authorized by Section 14-8.01 of the School Code (441-
rev:--Stat:--1981--ch:--122--par:--14-8-01+ [105 ILCS

In order to place any child in a special education
program.

1) In order to place any child in a special education
placement for children with behavior disorders.

to place any child where there are questions
his or her intellectual functioning and/or
capacity.

2) In order to determine any child eligible for special
education and related services due to the disability
of autism or traumatic brain injury.

ological evaluation for all other children
is deemed optional.

Appropriate, the psychologist may limit this
on to a review of the results of tests
ministered by other school district personnel and/or
the results of externally administered evaluations, an
analysis of the learning environment and learning
processes, participation in the multidisciplinary
and such other procedures as deemed

3) An appropriate medical examination by a physician licensed
to practice medicine in all of its branches shall be
obtained, for diagnostic and evaluative purposes, for any
child, either a suspected physical, health, vision or
hearing impairment. This examination shall be conducted at
no cost to the parent. Nothing in these regulations shall
be construed to require any child to undergo any physical
examinations or medical treatment whose parents or guardian
object thereto on the grounds that such examinations or
treatments conflict with his or her religious beliefs.

4) A speech and language clinician shall administer a
comprehensive evaluation for any child suspected of having a
communication impairment.

5) In addition to the other specialized evaluations appropriate
to the nature of the child's problems shall be provided at

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no cost to the parents. When specialized evaluation
procedures not usually provided by the local school district
are required to provide a better understanding of the
child's educational or educationally related problems, the
local school district recommending such evaluation
procedures shall be responsible for assisting the parents in
locating and making use of appropriate local and/or state
resources.

i) Consideration shall be given to resources of state
agencies or third party payors.
ii) The child may not be prohibited from receiving a
special education program or service because he or she
is financially or otherwise unable to obtain
specialized evaluation procedures.

E) An audiological evaluation appropriate to the needs of the
child shall be provided by an audiologist when necessary.

F) If the parent disagrees with an evaluation obtained by the
local school district, the district shall inform the parent
of the opportunity to obtain an independent evaluation at
public expense.

i) In such cases, the local district may initiate an
impartial due process hearing prior to such
independent evaluation to demonstrate that the
district's evaluation is appropriate.

ii) If the final decision is that the local district's
evaluation is appropriate, the parent shall have the
right to an independent evaluation, but not at public
expense.

(Source: Amended at 18 Ill. Reg. 16318, effective
OCT 25 1994)

Section 226.552 Characteristics Determining Eligibility for Special Education

Eligibility for special education programs and services shall be determined by
the presence of one or more of the following exceptional characteristics:

a) Visual impairment - The child's visual impairment is such that the
child cannot develop his or her educational potential without special
services and materials.

b) Hearing impairment - The child's residual hearing is not sufficient to
enable him or her to understand the spoken word and to develop
language, thus causing extreme deprivation in learning and
communication. Or the child exhibits a hearing loss which prevents
full awareness of environmental sounds and spoken language, limiting
normal language acquisition and learning achievement.

c) Physical and health impairment - The child exhibits a physical or
health impairment, either temporary or permanent, which interferes
with his or her learning and/or which requires adaptation of the
physical plant.

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- d) Speech and/or language impairment - The child exhibits deviations of speech and/or language processes which are outside the range of acceptable deviation within a given environment and which prevent full social or educational development.
- e) Specific learning disability - The child exhibits a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

~~f) Education-handicap-----After--September--17--1991,--no--child--may--be identified--pursuant--to--this--part--as--educationally--handicapped--Children--identified--under--this--characteristic--prior--to--September--17--1991--must--be--reevaluated--and--their--eligibility--for--continued--services--under--any--other--exceptional--characteristic--listed--here--determined--Disagreements--regarding--this--determination--shall--be--a--basis--for requesting--an--impartial--due--process--hearing--as--deinstituted--in--Subpart d--.~~

~~f) Behavior disorder/emotional disorder - The term means a condition exhibiting one or more of the following characteristics over an extended period of time and to a marked degree, which adversely affects educational performance, even after supportive assistance has been provided. The student must demonstrate an inability to learn which cannot be explained by intellectual, sensory, health, cultural, or linguistic factors; an inability to develop or maintain satisfactory interpersonal relationships with peers and adults; or inappropriate types of behavior or feelings under normal circumstances; or a general pervasive mood of anxiety, unhappiness, depression; or a tendency to develop physical symptoms or fears associated with personal or school problems.~~

~~g) Mental impairment - The child's intellectual development, mental capacity, adaptive behavior, and academic achievement are markedly delayed. Such mental impairment may be mild/moderate, severe, or profound.~~

~~h) Multiple impairment - The child exhibits two or more impairments, severe in nature or total impact, which significantly affect his or her ability to benefit from the educational program.~~

i) Autism - The term means a developmental disability significantly affecting verbal and nonverbal communication and social interactions, generally evident before age 3, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does

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not apply if a child's educational performance is adversely affected primarily because the child has a behavior disorder/emotional disorder, as defined in subsection (f) of this Section.

1) Traumatic brain injury - The term means an acquired injury to the brain that adversely affects a child's educational performance. A traumatic brain injury is one which is caused by an external physical force and occurs after the perinatal period; it is not medically degenerative or congenital. The student must demonstrate impairment in one or more of the following areas:

- 1) cognitive functioning (attention, concentration, intelligence, memory, problem-solving, abstract reasoning, judgment, and information-processing);
- 2) communication (receptive and expressive language and speech);
- 3) social/emotional (relationships, self-esteem, self-control, age-appropriate behavior);
- 4) sensory/perceptual (visual, auditory, kinesthetic, tactile, visual-motor integration);
- 5) motor (balance, equilibrium, fine and gross motor, spatial orientation, speech, speed and coordination of movement, strength);
- 6) adaptive behavior (daily living skills, socialization, coping skills).

k) Developmental delay - The term means one or more disabilities as defined in this Section for children ages 3-5 experiencing delay in at least one of the following domains: physical development, cognitive development, communication development, social and emotional development, or adaptive development.

(Source: ~~Amended,~~ Oct 25 1994 at 18 Ill. Reg. 16318, effective

Section 226.560 Development of IEP and Placement Decision

If a multidisciplinary conference was held for the purpose of determining eligibility, an additional meeting or meetings must be held for the purpose of developing, reviewing, and/or revising the exceptional child's IEP and determining placement based upon the IEP. For children ages 3 to 5, an Individualized Family Service Plan (IFSP) developed pursuant to 34 CFR 303.340 et seq. may be used at the discretion of the local school district and with concurrence of the parents in lieu of development of an IEP pursuant to this Section and Section 226.562. The meeting at which an exceptional child's IEP is developed must be held within thirty (30) days of a determination that the child is eligible for special education and related services.

a) Parents of an exceptional child must be notified of the meeting to develop, review, and revise an exceptional child's IEP. The local school district must take steps to insure that the parents of an exceptional child are present at each meeting or are afforded the opportunity to participate, including:

- 1) Notifying parents of the meeting early enough to insure that they

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- will have an opportunity to attend; and
- 2) Scheduling the meeting at a mutually agreed on time and place.
 - 3) The notice must indicate the purpose, time and location of the meeting, and who will be in attendance.
- b) The following participants must be included in the IEP meeting:
- 1) A representative of the local district, other than the child's teacher, who is authorized to commit services and who is qualified to provide or supervise the provision of special education.
 - 2) The child's teacher. Teacher organization representatives may not attend without parental and district consent.
 - 3) One or both of the child's parents or guardians.
 - A) If neither parent can attend, the local district shall use other methods to insure parent participation, including individual or conference telephone calls.
 - B) A meeting may be conducted without a parent in attendance if the local district is unable to convince the parents that they should attend. In this case the local district must have a record of its attempts to arrange a mutually agreed on time and place such as:
 - i) Detailed records of telephone calls made or attempted and the results of those calls;
 - ii) Copies of correspondence sent to the parents and any responses received; and
 - iii) Detailed records of visits made at the parent's home or place of employment and the results of those visits.
 - 4) The child, where appropriate, except that any student who will be 14 1/2 or older during the school year must be invited, since one purpose of the IEP meeting must be to consider transition services. When the student does not attend, the local district shall take other steps to ensure that the student's preferences and interests are considered. For students who will not reach age 14 1/2 during the school year, if transition services are discussed at an IEP meeting that does not include the student, the local district is responsible for insuring that an IEP meeting to which the student is invited is conducted before a decision is made regarding transition services for that student.
 - 5) Other individuals at the discretion of the parent or local district.
 - 6) A representative of any other agency that is likely to be responsible for providing or paying for transition services, when a purpose of the meeting is to consider transition services. If an agency invited to send a representative does not do so, the local district shall take other steps to obtain the participation of the agency in the planning of any transition services.
- c) For an exceptional child who has been evaluated for the first time, the local district shall insure that a member of the evaluation team participates in the meeting or that the representative of the local

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- district, the child's teacher, or some other person who is knowledgeable about the evaluation procedures used with the child and is familiar with the results of the evaluation, participates in the meeting, as well as an interpreter for the deaf if necessary.
- d) Recommendations for special education placement shall be based on the following, consistent with Section 226.550(b)(4):
- 1) The child shall be placed in the educational program which is appropriate to the student's needs and least restrictive of the student's interaction with nonhandicapped children.
 - 2) The special education placement must be based on the child's IEP, and located as close as possible to the child's home.
 - 3) Unless a handicapped child's IEP requires some other arrangement, the child must be educated in the school which he or she would attend if not handicapped.
 - 4) Consideration must be given to any potentially harmful effect on the child, or the quality of services which he or she needs.
 - e) The proposed placement shall be consistent with the findings of the case study evaluation.

(Source: Amended at 18 Ill. Reg. 16318, effective 03/25/1994)

Section 226.562 IEP Content and Parental Access

- a) The IEP shall include, but is not limited to, the following:
 - 1) A statement of the child's present levels of educational performance;
 - 2) A statement of annual goals, including short-term instructional objectives;
 - 3) A statement of the specific special education and related services to be provided to the child, and the extent to which the child will be able to participate in regular educational programs. Related services shall not include those services provided by licensed physicians, except for their diagnostic or evaluation services and consultation to education staff; licensed dentists except for diagnosis or evaluation and consultation to education staff; physician extenders; registered or licensed practical nurses, except as they are performing the function of a school nurse; and other medical personnel involved in the provision of ongoing medical care.
- 4) For students who will be 14 1/2 years of age or older during the school year, and for students under age 14 1/2 when determined appropriate, a statement of any transition services needed, including a statement of each participating school district's or agency's individual and cooperative responsibilities before the student leaves the school setting. If the IEP team determines that services are not needed, the IEP must include a statement to that effect and the basis upon which the determination was made.
- 5) A statement of the child's ability to participate in assessments

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and what accommodations are necessary, if any. If the child is unable to participate even with accommodations, a description of the alternative assessment(s) to be used must also be included.

6) The projected dates for initiation of services and the anticipated duration of the services, and

7) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved.

b) The local district shall give the parent, on request, a copy of the exceptional child's IEP.

c) Following the determination of the child's IEP, parents shall be afforded, on an ongoing basis, reasonable opportunity for comment on and input into their child's educational program.

(Source: Amended at 18 Ill. Reg. 16318, effective OCT 25 1994)

Section 226.575 Timeline for Placement

Special education placement shall be made as soon as possible after the determination of eligibility and need for such placement but in no case shall placement occur later than the beginning of the next school semester [105 ILCS 5/14-8.02]. ~~§14-8.02. (Rev. Stat. 1983, ch. 122, par. 14-0.02)~~

a) Each child referred for a case study evaluation at least sixty (60) school days prior to his or her third birthday must have a determination as to eligibility and any resulting IFSP or IEP as set forth in Section 226.560 of this Part ready to implement by the third birthday.

b) Each child determined pursuant to 34 CFR 303.300 to be eligible for services under Part H of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1401 et seq.) must be referred to his or her public school district for case study evaluation for services under Part B of IDEA at least 60 school days prior to his or her third birthday.

c) When special education placement is not possible prior to the next school semester, the local school district shall be responsible for providing interim services between placement determination and actual placement which are as appropriate to the child's needs as possible.

d) The local school district shall provide written notification to the parents of the child and the State Superintendent of Education regarding the nature of the services the child will receive in the interim. Written verification of the provision of these services shall be kept in the child's temporary student record.

(Source: OCT 25 1994 at 18 Ill. Reg. 16318, effective)

Section 226.682 Filing of Administrative Record

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a) Within ten (10) calendar days of receipt of the notice of appeal, the district shall transmit to the State Board of Education, attention Legal Department, Suite 14-900, 400 West Randolph, Chicago, Illinois 60601 100 North First Street (W-475), Springfield, Illinois 62777-0001, a complete administrative record of the Level I hearing, which shall include:

- 1) a transcript of the hearing with an index of witnesses' testimony;
- 2) records and reports presented at the hearing, with index; and
- 3) other exhibits and materials presented at the hearing, with index.

b) The district shall simultaneously also send a copy of the administrative record to the parents and shall retain a copy. The administrative record sent to the State Board of Education and the parents shall be sent by certified mail or other means which is reasonably calculated to assure delivery and provides a record of when and where the record was delivered. Upon receipt of the administrative record, the State Board of Education shall immediately send it by certified mail or other means which is reasonably calculated to assure delivery and provides a record of when and where the record was delivered, together with the appeal request, to the reviewing officer who was selected by the parties.

c) Failure by the district to ~~mail~~ send the administrative record to the State Board of Education within ten (10) calendar days after the date the district files an appeal request or receives a copy of the other party's appeal request shall constitute an undue delay of the appeal. In such event, the parents may request by written certified mail to the reviewing officer, with a copy sent to the district and to the State Board of Education, within fifteen (15) calendar days after the date the parent files an appeal request or receives a copy of the district's appeal request, that the reviewing officer find the district to be in default and enter a ruling granting the parents the relief requested. The district shall have three (3) days from receipt of the request to respond in writing to the request for a default ruling. The reviewing officer shall review the request and the response. The reviewing officer may grant such request in whole or in part and order the relief upon finding the district in default for failing to file the record in a timely manner.

(Source: OCT 25 1994 at 18 Ill. Reg. 16318, effective)

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1) Heading of the Part: Claims, Adjudication, Appeals and Hearings2) Code Citation: 56 Ill. Adm. Code 27203) Section Numbers:2720.10 Adopted Action:2720.130 Amended Section2720.135 Amended Section2720.200 Amended Section2720.201 New Section2720.205 Amended Section2720.215 Amended Section2720.240 Amended Section2720.245 Amended Section4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 48, pars. 349, 409, 420, 450, 451, 452, 453, 455, 456, 470, 471, 473, 474, 474a, 500, 501, 502, 504, 530, 610, 611, 700, 701, 702 and 704) [820 ILCS 405/239, 409, 500, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304].5) Effective Date of Rulemaking: October 24, 1994.6) Does this rulemaking contain an automatic repeal date? No.7) Does this rulemaking contain incorporations by reference? No.8) Date Filed in Agency's Principal Office: October 24, 19949) Notice of Proposal Published in Illinois Register: June 24, 1994 at 18 Ill. Reg. 9048.10) Has JCAR issued a Statement of Objections to these rules? No.11) Difference(s) between proposal and final version:

1. All references to the Revised Statute citations are removed.

2. In line 135, a comma is added after delivery.

3. In lines 152, 272 and 280, add "of this Section" after the reference to "subsection (d)" in Section 2720.130(a)(2) and after the two references to "subsection (d)(1) in Section 2720.130(e).

4. In lines 354-5, change "where it is a party" to "at which it has party status".

5. In line 378, add "of this Section" after "subsections (a) and (b)".

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6. In line 478, change "emergencies" to "reasons that prevent the individual from appearing".

7. In line 493, Attorney is made lower case.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this rulemaking replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Rulemaking: The amendments to Sections 2720.10 and 2720.130 clarify the Agency's longstanding interpretation of these rules that, if the due date for filing a protest to a claim pursuant to Section 2720.130(a) is a day on which an Agency facility is closed, the due date for filing the protest is extended to the next day on which the facility is open to the public (as is provided in 5 ILCS 70/1.11).

The amendment to Section 2720.135 corrects a crossreference. The amendment to Section 2720.200 and new Section 2720.201 allow for the electronic transmission of the notice of hearing. Current rules and practice allow for electronic transmission of the notice of claim. These rules are the next step in improved service to the business community by the use of modern technology. The amendment to Section 2720.205 makes some technical changes.

The amendment to Section 2720.215 provides that a telephone hearing will be scheduled only if a party is located out of state. However, a telephone appearance will be available to a party or a witness as a matter of right unless the Referee finds that due to the volume or complexity of the evidence or for a proper disposition of the case, an in-person appearance is necessary.

The amendment to Section 2720.240 is intended to severely limit the availability of continuances. The purpose of the administrative process is to provide fast and efficient handling of a high volume of work. The granting of continuances mires this process. With the widespread use of telephone appearances, it is no longer necessary to continue a case when a witness is on vacation. That witness should, in all but an extraordinary case, be made available to appear by telephone.

The amendment to Section 2720.245 eliminates mention of the "burden of going forward." This was a terribly confusing concept as many parties confused this with the burden of proof. The concept did not work in practice because, for example, in a voluntary leave case, an appellant employer may not know why a claimant quit his job. In such a case, the Referee should ask the claimant to testify first. In a misconduct case, the claimant might not understand why he was fired. It makes more sense

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for the party with the most knowledge of the facts to present its case first.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Gregory J. Ramel, Deputy Legal Counsel
Address: Illinois Department of Employment Security
401 South State Street - 2 South
Chicago, Illinois 60605
Telephone: 312/793-4240

The full text of the Adopted Amendments begins on the next page:

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Definitions
 "Week" In Relation To "Benefit Year"
 Service Of Notices, Decisions, Orders
 Application For Electronic Data Transmission
 Computation Of Time
 Disqualification Of Adjudicator, Referee, Or Board Of Review
 Attorney Representation Of Claimants
 Form Of Papers Filed
 Correction Of Technical Errors

SUBPART B: APPLYING FOR UNEMPLOYMENT INSURANCE BENEFITS

Section
2720.100
2720.101

2720.105
2720.106
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2720.115
2720.120
2720.125

| Filing A Claim Filing, Registering And Reporting By Mail Under Special Circumstances |
|--|
| Time For Filing An Initial Claim For Benefits |
| Dating Of Claims For Weeks Of Partial Unemployment |
| Employing Unit Reports For Partial Unemployment |
| Alternative "Base Period" |
| Required Second Visit To Local Office (Repealed) |
| Continuing Eligibility Requirements |
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| Work Search Requirements For Regular Unemployment Insurance Benefits (Repealed) |

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Availability For Part Time Work Only (Repealed)
Director's Approval Of Training (Repealed)
Active Search For Work: Attendance At Training Courses (Repealed)
Regular Attendance In Approved Training (Repealed)
Employing Unit Protest Of Benefit Payment
Required Notice By An Employer Of Separation For Alleged Felony Or
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are connected with the work

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| 2720.201 | Notice Of Hearing |
| 2720.205 | Preparation For The Hearing |
| 2720.210 | Format Of Hearings |
| 2720.215 | Ex Parte (One Party Only) Communications |
| 2720.220 | Subpoenas |
| 2720.225 | Depositions |
| 2720.227 | Consolidation Or Severance Of Proceedings |
| 2720.230 | Withdrawal Of Appeal |
| 2720.235 | Continuances |
| 2720.240 | Conduct Of Hearing |
| 2720.245 | Rules Of Evidence |
| 2720.250 | Failure Of Party To Appear At The Scheduled Hearing |
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| 2720.265 | Referee's Decision |
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| 2720.300 | Notice Of Appeal |
| 2720.305 | Request For Oral Argument |
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| 2720.340 | Issuance Of Notice Of Right To Sue |
| 2720.345 | |

AUTHORITY: Implementing and authorized by Sections 239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302, and 2304 of the Unemployment Insurance Act [820 ILCS 405/239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304].

SOURCE: Adopted at 8 Ill. Reg. 24957, effective January 1, 1985; amended at 10 Ill. Reg. 12620, effective July 7, 1986; amended at 11 Ill. Reg. 14338, effective August 20, 1987; amended at 11 Ill. Reg. 18671, effective October 29, 1987; amended at 12 Ill. Reg. 14660, effective September 6, 1988; emergency amendments at 13 Ill. Reg. 11890, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 18263, effective November 9, 1989; amended at 14

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Ill. Reg. 15334, effective September 10, 1990; amended at 14 Ill. Reg. 18489, effective November 5, 1990; amended at 16 Ill. Reg. 2556, effective January 30, 1992; emergency amendment at 16 Ill. Reg. 7506, effective April 22, 1992, for a maximum of 150 days; emergency expired September 19, 1992; amended at 17 Ill. Reg. 17937, effective October 4, 1993; amended at 18 Ill. Reg. 16340, effective OCT 24 1994.

SUBPART A: GENERAL PROVISIONS

Section 2720.10 Computation Of Time

- The calendar day on which any notice, decision or order is mailed or electronically transmitted by the agency shall be excluded in computing time.
- The calendar day on which notice is due from a party or from an employing unit which is seeking to become a party pursuant to Section 2720.130(a) or action is required by a party or by an employing unit which is seeking to become a party pursuant to Section 2720.130(a) shall be included in the computation of time.
- If the last day a document may be filed by a party or by an employing unit which is seeking to become a party pursuant to Section 2720.130(a) is a day on which the Agency facility is closed, the due date is extended to the end of the next day on which the facility is open.
- The date on the document shall be rebuttable evidence that it was mailed on that date; a postmark placed on the envelope by the United States Postal Service shall be conclusive evidence of the date of mailing; where a "Notice of Claim to Last Employing Unit and Last Employer or other Interested Party" is electronically transmitted to an employing unit (or its authorized agent), the date of transmission shown on the agency's records shall be conclusive evidence of the date of service of the Notice.

(Source: Amended at 18 Ill. Reg. 16340, effective OCT 24 1994)

SUBPART B: APPLYING FOR UNEMPLOYMENT INSURANCE BENEFITS

Section 2720.130 Employing Unit Protest Of Benefit Payment

- A protest, ("Notice Of Possible Ineligibility" or a letter in lieu thereof) raises questions of eligibility, entitles an employing unit to receive an Adjudicator's Determination regarding questions of eligibility raised, and if timely and sufficient as set out below, provides party status and appeal rights of such Determination relating to the protest.

1) The employing unit shall file, either by mail or by hand **deliver** delivery, the protest within ten calendar days after the date of notice shown on the Form "Notice of Claim to Last Employing Unit

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and Last Employer or Other Interested Party" (see Section 2720.10 for the computation of time). The protest shall be addressed, if mailed, or hand delivered to the Director at the local office designated on the form received by the employing unit. If the employing unit mails or hand delivers the protest to an address other than the address designated on the form received by the employing unit, timeliness of the notice shall be measured from the date of receipt at the proper address instead of the postmark date or the hand delivery date, as the case may be.

- 2) The protest should include the names, addresses and telephone numbers of persons having knowledge of the facts and circumstances supporting the allegation whom the employing unit designates for the Agency to contact for further information. The protest must meet the sufficiency requirements of subsection (d) of this Section.

b) Because, during a claim series, acts or circumstances may occur which could result in ineligibility, an employing unit's protest with respect to those acts or circumstances will be deemed timely (irrespective of the ten day time limit set forth in subsection (a)) and will, if also sufficient, provide party status; except, if the employing unit protests that, under Section 500C of the Act, the individual was not able to work, available for work or actively seeking work, then (that part of) the employing unit's protest will not be deemed timely and will not provide status for any week prior to the week in which it was received by the Agency. Whether or not protest is deemed timely or an employing unit is provided party status, ineligibility is determined from the week in which the acts or circumstances occurred.

- 1) Example: The employing unit from which the individual was separated does not respond within 10 days of date of mailing of the Notice of Claim to Last Employer, Last Employing Unit or other Interested Party. Later, during the claim series, the employing unit offers the individual suitable work that he refuses without good cause. The employing unit then protests, alleging that the individual should be ineligible under Section 603 of the Act, refusal of suitable work. This protest shall be deemed timely beginning with the week in which the refusal of work occurred.

2) Example: During the third week of the claim series, the school district which employed the individual as a teacher during the last academic term offers him a contract to teach again in the next academic term. During the seventh week of the claim series, the school district protests that the individual should be ineligible under Section 612 of the Act. This protest shall be deemed timely as of the date that it is determined that the contract was offered to the individual.

- 3) Example: The individual has been receiving benefits for fourteen weeks. In the fifteenth week, his former employer hears that the individual may have been incapacitated by an injury beginning in

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week six of the claim series. The employer protests that the individual should be ineligible for benefits under Section 500C of the Act beginning with week six of the claim series. While the Agency will investigate this individual's eligibility for benefits beginning with week six, the employer will only be a party to the determination of eligibility beginning with the week in which the employer notifies the Agency of its allegation of possible ineligibility.

- c) Where an employer alleges that an individual who was initially an unemployed individual but was later not unemployed under Section 239 of the Act, because the individual returned to work for the employer and continued to claim benefits, a protest shall be considered timely if filed within 45 days of the date the Agency mails the employer a Statement of Benefit Wages (BEN-118) which includes a period in which the employer alleges that the individual claimed benefits while he was employed by the employer.

d) As long as the employing unit gives a reason or reasons for the allegation and the reason(s) is directly related to the issue raised and is not a general conclusion of law, the allegation shall be considered sufficient. A protest under this Section is sufficient only if limited to one claimant, except as otherwise provided below, and only if it:

- 1) Alleges on the protest that the claimant is not eligible for benefits or waiting week credit by providing material reasons or facts in support of the allegation, other than a conclusion of law, which would support the claimant being held ineligible for benefits; or,

A) Example: Sufficient - Employing Unit's Protest Alleges:

- i) The claimant is not able to and available for work because she is in school.
- ii) The claimant is not able to and available for work because he has no child care during working hours.
- iii) The claimant is not able to and available for work because he has removed himself to an area of substantially less favorable work opportunities.
- iv) The claimant is not able to and available for work because she is seeking part-time work.
- v) The claimant is not able to and available for work because he is in an occupation for which there is demand in the labor market area.

B) Example: Not Sufficient - Employing Unit's Protest Alleges:

- i) The claimant is not actively seeking work. (General conclusion of law).
- ii) The claimant is not available for work. (No reason given for allegation).
- iii) The claimant is not able to and available for work because he was discharged from his last job. (Reason given is not related to the issue raised).

- 2) Alleges that the claimant is not eligible for benefits, because,

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in connection with any separation or layoff, the claimant has been or will be paid vacation pay, vacation pay allowance, or pay in lieu of vacation, in which event, the employing unit must designate, on the protest, within 10 calendar days after notification of the filing of his claim, or within 10 calendar days of the date such vacation pay is paid or payable, the period to which such pay is allocated. It is not necessary that a protest be filed for each individual vacation purpose. No such designation is necessary for disqualification purposes, for vacation payments made during an announced period of shutdown for the purposes of inventory, vacation, or both; or

- 3) Alleges that the claimant is not eligible for benefits because he is unemployed due to his involvement in a labor dispute; and the employing unit, within 5 days of the start of the period of the work stoppage due to a labor dispute, provides the Agency with the name and Social Security number of each worker involved in the dispute. The list shall be filed with the Agency's Labor Dispute section. Upon receipt of the list, the Agency will mail a Labor Dispute Questionnaire to the employing unit and the union or representative of the employees involved in the labor dispute. The employing unit, union, and/or employee representative must respond to the questionnaire within 10 days. If the questionnaire is not received within 10 days, the Agency will issue a decision based on the information contained in the record at that time. The filing of the above list will constitute an allegation of possible ineligibility under the labor dispute provision (Section 604 of the Act) only and shall not be construed as an allegation of possible ineligibility under any other provisions of the Act.

- e) In instances when the Agency decides that the protest has not met the sufficiency requirements of subsection (d)(1) of this Section, the Agency shall immediately return the protest with a description of the needed information. If the protest with all required information is refiled within 10 days of the date the Agency mailed it back to the employing unit, the protest shall be considered filed on the date the Agency originally received it. In no event shall the Agency return an inadequate protest more than once. In the event that a protest does not meet the sufficiency requirements of subsection (d)(1) of this Section after being returned to the employing unit once, the Adjudicator shall determine the protest to be insufficient. A Decision that a protest is insufficient may be appealed pursuant to Section 2720.200.

(Source: Amended at 18 Ill. Reg. 16340, effective October 24 1994)

Section 2720.135 Adjudicator Investigation

- a) If any question arises concerning the claimant's monetary or

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nonmonetary eligibility, the claimant will be notified in writing. The Adjudicator will inform the claimant of the precise factual question relating to his eligibility, the Sections of the law involved, and the source of the information that raised the question.

- b) An Adjudicator will investigate all allegations in the employer's protest. He will contact the employer, claimant, and, if possible, any other source that either party identifies to resolve the protest, provided that the Agency will not contact witnesses identified by the claimant or the employer without notifying the claimant or the employer's designated contact person (see Section 2720.130(e)(7)(a)(2)) of this Part), as appropriate. The claimant will be given an opportunity to provide the Adjudicator with any statements or other evidence to refute or explain the allegations and establish his rights to benefits.

(Source: Amended at 18 Ill. Reg. 16340, effective October 24 1994)

SUBPART C: APPEALS TO REFEREE

Section 2720.200 Filing Of Appeal

- a) Any party may appeal an Adjudicator's determination or finding. An appeal should be filed in person or by mail at the local office where the claim was filed.
- b) The appeal must be filed within 30 days after the Adjudicator's determination or finding was mailed or hand delivered to the parties (see Section 2720.10).
- c) No special form is necessary to file an appeal to the Referee. The appeal should comply with the following requirements:
- 1) The appeal must be in writing, dated and signed by the person appealing or his representative;
 - 2) The appeal must be limited to one claimant and contain the name and Social Security number of the claimant;
 - 3) The appealing party must set forth the parts of the decision with which the appealing party disagrees and the specific reasons for that disagreement;
 - 4) An appeal of a labor dispute determination to a Director's Representative under Section 604 of the Act and 56 Ill. Adm. Code 2720.275 may be filed by any party to a determination or an agent representing all members of the affected class of workers by listing only all Social Security account numbers of the employees on the appeal.
- d) At the request of any appellant, an Adjudicator at the local office where the appeal should be filed pursuant to subsection (a) will assist the appellant to file the appeal. In such event, the Adjudicator providing assistance and the appellant will sign the appeal.
- e) The Agency will promptly schedule a hearing before a Referee and,

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except as provided in Section 2720.201, mail notice of the hearing to the parties. (Customarily notice of hearing will be mailed within 15 days of the filing of the appeal.)

(Source: Amended at 18 Ill. Reg. **16340**, effective OCT 24 1994)

Section 2720.201 Application For Electronic Data Transmission Of Notice Of Hearing

- a) In lieu of receiving its notice of hearing as a paper document sent through the United States mail, an employing unit (or its authorized agent) may apply to have such document sent to it through electronic data transmission.
- b) The Director shall approve such application if the employing unit (or its authorized agent) agrees to:
 - 1) At its own expense, on a daily basis, retrieve its electronically transmitted data from the data center of the Illinois Department of Central Management Services, designated by the Director;
 - 2) Accept the date shown on the agency's records as conclusive evidence of the date that the electronically transmitted data was sent to the data center of the Illinois Department of Central Management Services;
 - 3) Demonstrate to the Director that the volume of hearings at which it has party status justifies the cost to the agency of putting the employing unit (or its authorized agent) on the electronic data transmission system.
- c) The Director must also find that the employing unit's (or its authorized agent's) electronic data processing equipment is compatible with that used by the Director.

(Source: Added at 18 Ill. Reg. **16340**, effective OCT 24 1994)

Section 2720.205 Notice Of Hearing

- a) Written notice of the time, date and place of the hearing shall be mailed to the parties at least 10 days before the date of the hearing.
- b) The notice will identify the parties and the Findings or Determination being appealed and will inform the parties of the issues upon which the appeal is based.
- c) In the event that a claimant appeals an Adjudicator's Determination regarding a separation issue (Sections 601, 602, 603 of the Act), and where the employer employing unit from which the separation occurred is not a party, such employer employing unit will receive notice of hearing which he it may attend as a nonparty and present such facts and evidence as he it may possess.
- d) No hearing, or part of a hearing shall be conducted on an issue to which the parties have not been given notice pursuant to subsections

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(a) and (b) of this Section, unless such notice is waived by all parties either in writing or on the record.

e) Unless notice is waived pursuant to subsection (d), if during or after the hearing the Referee determines that the facts require a Decision under a Section(s) of the Act different from the Section(s) specified in the notice given pursuant to subsections (a) and (b), or that the notice does not accurately describe the question at issue, then the Referee shall immediately terminate the hearing, if applicable, issue no Decision on the merits, and shall either:

- 1) Remand the case back to the Claims Adjudicator for a Finding or Determination on the correct issue(s) if facts or issues are introduced which were not previously presented to the Claims Adjudicator; or,

Example: The Referee is examining the claimant with respect to the reason for separation from work. During the course of the hearing the claimant indicates that he may not be able to work. Under the circumstances the Referee shall remand the case to the Claims Adjudicator for a Determination under Section 500 of the Act.

- 2) Cause new notices containing the correct issue(s) to be mailed to the parties where the facts remain the same as presented to the Claims Adjudicator but the incorrect issue was identified.

Example: Based solely on the testimony of the claimant, the Claims Adjudicator determines that the claimant was discharged from his last job. After hearing testimony from the parties, the Referee decides that the separation was caused by the claimant's voluntary resignation. Here, if the parties refuse to waive notice, the Referee shall cause new notices containing the correct issue to be mailed to the parties.

(Source: Amended at 18 Ill. Reg. **16340**, effective OCT 24 1994)

Section 2720.215 Format of Hearings

- a) Except as otherwise provided in subsection (b), hearings shall be conducted in-person unless the claimant and employer in the disputed claim agree to a telephone hearing or the claimant or employer is located outside of the State at the time the Notice of Hearing is sent or a witness or party requests for good cause to appear by telephone and the Referee finds that an in-person appearance is not required to determine the credibility of the evidence to be presented by the witness or party. If such in-person hearing shall be conducted at the nearest a location where Referee hearings are regularly scheduled and, whenever possible, be conducted at a location near the local office where the claim was filed. If The Agency shall situate Referees throughout the State in a manner designed to maximize efficiency while providing the greatest possible convenience.

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- b) Requests-to-appear-by-telephone-must-be-made-as-soon-as-possible-after the--Notice--of--Hearing--is--received--or--immediately--after--the circumstances-giving-good-cause--for--the--appearance--by--telephone arises. A witness or party may appear by telephone provided the request to appear by telephone is received by the Referee prior to or at the hearing. A witness or party who requests to appear by telephone shall be required to appear in-person if the Referee finds that an in-person appearance is necessary due to the volume or complexity of the evidence or for the proper disposition of the claim. If the Referee requires the in-person appearance of a witness or party who has requested to appear by telephone, the reasons for doing so shall be stated on the record.
- c) In--ruling-on-a-request-for-a-change-in-the-format-of-the-hearing--the Referee-shall-state-the-reason--for-the--grant--or--denial--of--such format-change-on-the-record. A party appearing by telephone shall--d) A claimant--or-employer-participating-in-a-telephone-hearing-must submit to the Referee and any opponent any documents that it intends to introduce at the hearing in time to ensure receipt of the documents before the date of the scheduled hearing. If a party is appearing by telephone in a matter that has been remanded by either the Board of Review or the Circuit Court and the opposing party was represented by an attorney before the body which ordered the matter remanded, copies of such documents must be served on the attorney for the opposing party. Such submissions--shall-also-include-a-certificate-of-mailing which-identifies-the-individual-sending-the-documents--the-nature-of the-documents--the-time-and-place-of-the-mailing--and-the-address-to which-the-documents-were-sent--All-documents-submitted-to-the-Referee will-be-identified-on-the-record. Unless waived on the record, if the Referee finds that any document introduced or referenced in the course of the hearing was not received, the Referee shall reschedule continue the hearing until such document is received or proceed with the hearing with or without the admission of such document. If the Referee proceeds with the scheduled hearing, the reasons for admitting or not admitting such document shall be stated on the record.
- e) This Section shall not apply to appeals of decisions relating to the amount of wages found in a claimant's base period; those cases will be governed by the provisions of Section 2725.200.

(Source: Amended 18 Ill. Reg. 16340, effective OCT 24 1994)

Section 2720.240 Continuances

- a) The Referee to whom the appeal was assigned, or his a hearings supervisor if the Referee is not available, shall grant a continuance whether requested in person, by telephone or in writing for good cause shown requested by a party only for "exceptional reasons". The request must be made in person, by telephone, or in writing, and such

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request must be received prior to the conclusion of the hearing. Such "exceptional reasons" are limited to:

- 1) Compassionate Grounds:
- A) Medical reasons that prevent the individual from appearing if the Referee is provided with proper documentation or proof of such emergency; or
- B) Death in the family;
- 2) Unforeseen circumstances such as accident, flood, fire, civil disorder or other insuperable interference;
- 3) A demand by a party to obtain legal representation, provided that it is shown at the time of the request that due diligence was exerted to obtain such representation;
- 4) The claimant is employed at the time of the hearing and cannot reasonably appear at the hearing either in person or by telephone; or
- 5) When a party's attorney has a conflict in his schedule because he has an appointment with a client or a court appearance scheduled for the same time as the hearing before the Referee and such the appointment or court appearance is an emergency matter for which the attorney had less than 24 hours notice.
- Example: A continuance is requested because a party's attorney has a conflict in his schedule because he has an appointment with a client or a court appearance scheduled for the same time as the hearing before the Referee. Unless the appointment or court appearance is an emergency matter for which the attorney had less than 24 hours notice, such a conflict will not constitute good cause for a continuance. Absent emergency circumstances, it will be incumbent on the attorney to reschedule his other appointment or court appearance or obtain substitute counsel to appear in his stead.

- b) In that the event that a continuance is granted, the hearing will be set for the earliest mutually agreeable available time and date. The Agency will inform the parties of the date, time and place of the continued hearing either orally or in writing.

Examples:--A--continuance-is-requested-because-a-party's-attorney-has-a conflict-in-his-schedule-because-he-has-an-appointment-with-a-client or-a-court-appearance-scheduled-for--the-same-time-as-the-hearing before-the-Referee--Unless-the-appointment-or-court-appearance--is--an emergency-matter-for-which-the-attorney-had-less-than-24-hours-notice such--a--conflict--will--not--constitute-good-cause-for-a-continuance. Absent-emergency-circumstances--it-will-be-incumbent-on--the--attorney to--reschedule--his--other--appointment--or-court-appearance--or-obtain substitute-counsel-to-appear-in-his-stead.

(Source: Amended at 18 Ill. Reg. 16340, effective OCT 24 1994)

Section 2720.245 Conduct Of Hearing

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- a) The Referee will control the hearing which will be confined to the factual and/or legal issues on appeal and ensure that the parties have a full opportunity to present all evidence and testimony regarding such issue(s).
- b) ~~In every case the appellant has the burden of coming forward with evidence to show that the Adjudicator's Finding or Determination is incorrect. At the hearing the appellant will first produce testimony and any other evidence he has to establish that the Finding or Determination is incorrect. The appellate may then introduce his evidence. Subsequently, the appellant may then introduce evidence to rebut the appellate's evidence.~~
- b) ^e Following the testimony of each witness, that witness may be questioned and cross-examined by any other party and questioned by the Referee, if necessary, to ensure clarity and completeness of the issues and of the record. The Referee shall ensure that the parties have full opportunity to present all evidence and testimony regarding the factual and/or legal issues on appeal.
- d) ^c If any person becomes abusive or disruptive so that a full and fair hearing cannot be conducted, the Referee shall exclude the person from the hearing. The Referee will then continue the hearing without the participation of the excluded individual, and will render a decision based on the evidence in the record.
- e) ^d The Director shall prohibit any individual from representing a party in a proceeding under this Part if the Director finds that such individual is or has been guilty of violating the standards in Rule 1-102 of the Code of Professional Responsibility, Article 8 of the Rules of the Illinois Supreme Court (Ill. Rev. Stat. ~~1995~~ 1991, ch. 110A, par. 1-110 et seq.) or has intentionally disregarded the provisions of the Act or rules promulgated thereunder, or the written instructions of the Board of Review. Such prohibition shall be in writing and shall be applicable for a period not to exceed 120 days from the date such decision is mailed to the party. Such individual may appeal the Director's Decision under the Administrative Review Law (Ill. Rev. Stat. ~~1995~~ 1991, ch. 110, pars. 3-101 et seq.) [735 ILCS 5/Art. III].
- f) ^e Unless agreed to by all parties in writing or on the record, no bifurcated (split) hearings shall be held.

(Source: Amended 18 Ill. Reg. 16340, effective OCT 24 1994)

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- 1) Heading of the Part: Employment
- 2) Code Citation: 56 Ill. Adm. Code 2732
- 3) Section Numbers: Adopted Action:
2732.235 New Section
2732.305 Amended Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 48, par. 315, 316, 321.5, 322, 325, 335, 610 and 611, as amended by P.A. 87-1178, effective September 22, 1992 [820 ILCS 405/205, 206, 211.5, 212, 215, 225, 1700 and 1701].
- 5) Effective Date of Rulemaking: October 24, 1994.
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rulemaking contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: October 24, 1994.
- 9) Notice of Proposal Published in Illinois Register: June 24, 1994 at 18 Ill. Reg. 9067.
- 10) Has JCAR issued a Statement of Objections to these rules? No.
- 11) Difference(s) between proposal and final version:
1. All references to the Revised Statute citations were removed.
 2. The Table of Contents was corrected to reflect the correct heading for Section 2732.305.
 3. At line 50, the comma after "terms" is deleted.
 4. At line 53, "the term "child" does not include a step-child or foster child;" is deleted.
 5. At line 55, "a stepchild or a child who, by court order, is in the custody of the individual(s) claiming the exemption" is added after "adopted child".
 6. At line 127, "subparagraph" was changed to "subsection (b)(3)".
 7. At line 177, "of this Section" was added after "subsection (b)".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

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- 13) Will this rulemaking replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Rulemaking:

Section 218 of the Act exempts from the definition of covered employment individuals who provide services to certain relatives. It is the Department's interpretation that, if the individual is providing services to a partnership, the individual must have one of the specified relationships with all of the partners in order for such services to be exempt from the definition of employment under Section 218; also Section 218 is inapplicable to corporations; and the terms "father," "mother" are given their literal meanings. The term "child" is given the same meaning as it is given at Section 401 of the Act.

The second amendment to Part 2732 clarifies that an officer of a corporation, a sole proprietor or a partner can be employed separately from their corporation, proprietorship or partnership to work as an employee of the leasing company hired by their corporation, proprietorship or partnership to provide workers to that entity.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Gregory J. Ramel, Deputy Legal Counsel
 Address: Illinois Department of Employment Security
 401 South State Street - 2 South
 Chicago, Illinois 60605

Telephone: 312/793-4240

The full text of the Adopted Amendments begins on the next page:

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TITLE 56: LABOR AND EMPLOYMENT
 CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
 SUBCHAPTER C: RIGHTS AND DUTIES OF EMPLOYERS

PART 2732
EMPLOYMENT

SUBPART A: COVERAGE

Section
 2732.125 Requirement That "Four Or More" Employees of A Nonprofit Organization Perform Services Within This State

SUBPART B: SERVICES IN EMPLOYMENT

Section

2732.200 Section 212 of the Act - Services in Employment
 2732.210 Mandatory Jury Service
 2732.225 Exemption From The Definition Of Employment For Freelance Editorial Or Photographic Work
 2732.227 Exemption For The Delivery Or Distribution Of Newspaper Or Shopping News To The Ultimate Consumer
 2732.230 Domestic Service
 2732.235 Effect Of Section 218 Of The Act On The Employment Status Of Certain Relatives

SUBPART C: DETERMINING THE EMPLOYER

Section

2732.305 Employee Leasing Companies

AUTHORITY: Implementing and authorized by Sections 205, 206, 211.5, 212, 215, 217, 218, 225, 1700, and 1701 of the Unemployment Insurance Act [820 ILCS 405/205, 206, 211.5, 212, 215, 217, 218, 225, 1700, and 1701].

SOURCE: Adopted at 13 Ill. Reg. 8864, effective May 30, 1989; amended at 14 Ill. Reg. 673, effective January 2, 1990; amended at 15 Ill. Reg. 11423, effective July 30, 1991; amended at 16 Ill. Reg. 8173, effective May 18, 1992; amended at 16 Ill. Reg. 12159, effective July 20, 1992; amended at 17 Ill. Reg. 8809, effective June 2, 1993; amended at 17 Ill. Reg. 17947, effective October 4, 1993; amended at 18 Ill. Reg. **16352**, effective **Oct 24 1994**.

SUBPART B: SERVICES IN EMPLOYMENT

Section 2732.235 Effect Of Section 218 Of The Act On The Employment Status Of Certain Relatives

- a) In interpreting Section 218 of the Act, where the employing unit is a

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partnership, the term "employment" shall exclude service performed by an individual who has one of the following relationships with respect to each partner: father, mother, or spouse or a child under the age of 18.

Example: Mary Jones and Sally Johnson are partners in a cleaning service. Sam Johnson is employed by the cleaning service. While Mary Jones and Sally Johnson are unrelated, Sam Johnson is under the age of 18 and the son of Mary Jones and is the husband of Sally Johnson. Because a relationship specified in Section 218 of the Act exists between Sam Johnson and each of the partners, his services are excluded from the definition of "employment."

b) For purposes of Section 218 of the Act, the terms "father" and "mother" do not include a father-in-law or a mother-in-law; the term "child" includes only a natural or adopted child, a stepchild or a child who, by court order, is in the custody of the individual(s) claiming the exemption.

Example: Joe's Diner is a partnership whose partners are Joe and Stella Smith, husband and wife. Jack Jones is an employee of the partnership. He is also the father of Stella Smith. The services provided by Jack Jones to the partnership constitute "employment" under the Act. Section 218 of the Act does not apply because Jack Jones does not have one of the specified relationships with Joe Smith.

c) Section 218 of the Act does not apply to a corporation.

Example: Mrs. Murphy is the president and sole shareholder of Corporation A. Mr. Murphy, her husband, is employed by the corporation as a janitor. Section 218 of the Act does not apply in this situation because Mr. Murphy, is employed by the corporation, not by his spouse, Mrs. Murphy.

(Source: Added at 18 Ill. Reg. 16355, effective October 24, 1994)

SUBPART C: DETERMINING THE EMPLOYER

Section 2732.305 Employee Leasing Companies

a) The words and terms used in this Section shall have the following meanings:

- 1) "Client" shall have the same meaning as that set forth for this term in Section 2765.5 of this part;
- 2) "Employee leasing company" (also referred to as an employee service company) shall have the same meaning as that set forth for this term in Section 2765.5 of this part;
Example: An on-going business lays off its workers and then they are immediately hired by the employee leasing company. This transaction exemplifies supplying workers to a client.
- 3) "Worker" means an individual provided by an employee leasing company to perform services in employment for its client.

b) Notwithstanding any contractual provisions that designate who is the employer, an employee service company is the employer of a worker only if, in fact, the employee service company performs all of the following functions:

- 1) Retains the sole authority to hire, promote, discipline and terminate the worker. An indication of whether the employee leasing company performs this function can be found in the answers to the following questions:
 - A) Who recruits, interviews and tests the prospective worker and subsequently makes the hiring decision?
 - B) Who formulates rules and regulations applicable to worker conduct, regardless of where the worker is placed?
 - C) Who does the worker notify of any absences and requests for leave?
 - D) Who resolves any worker dissatisfaction concerning conditions of employment?
- 2) Assigns or approves the worker to perform services for the client. An indication of whether the employee leasing company performs this function can be found in the answers to the following questions:
 - A) Does the client independently negotiate with the worker regarding conditions of employment?
 - B) If the client becomes dissatisfied with the performance of the worker and requests reassignment of the worker, who makes the decision whether to discharge the worker or reassign him to another client?
 - C) Who provides on-site supervision of the worker, prepares and sets a work schedule for workers at the job site and sets performance standards or time requirements for the completion of the client work assigned?
- 3) Decides the total compensation paid to the worker, including rate of pay and benefits. An indication of whether the employee leasing company performs this function can be found in the answers to the following questions:
 - A) Who determines the hourly rate or salary of the worker and also decides whether to provide pay increases or decreases?
 - B) Who provides the medical and hospitalization insurance, life insurance and pension benefits?
 - C) When a package of the benefits listed in subparagraph subsection (b)(3)(B) above is provided, are they comparable regardless of the client?
 - D) Who not only issues a check for the worker's hourly wages but also pays sick, vacation and bonus compensation? Moreover, who reimburses the worker for his expenses?
- 4) Incurs liability for the State and Federal employment taxes and assures that workers' compensation is provided to the worker.
- 5) Negotiates with clients for such matters as time, place, type of work, working conditions and quality and price of services. An indication of whether the employee leasing company performs this

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function can be found in the answer to the question: Prior to entering into the lease relationship, do the client and employee leasing company negotiate as to such matters as the number of shifts per work day, mandatory overtime, number of breaks and length of lunches?

- c) Notwithstanding any of the aforementioned functions, nothing herein shall limit the right of the employee leasing company to confer with its client concerning any of the aforementioned functions.
- d) If the employee leasing company does not perform all of the functions in subsection (b), then the client is the employer of the worker.
- e) Notwithstanding any other provision of this Section, the client shall always be the employer of the officers of a corporation as the term is used in its Articles of Incorporation or By-laws to the extent that the individual is providing services in the capacity of an officer. However, nothing in this subsection is intended to preclude an officer of a corporation, a sole proprietor of a business or a partner in a partnership from separately performing and being compensated for services performed as an employee of the leasing company.

Example: Mr. Smith is the vice-president for operations of Company A which leases its workers from Leasing Company X. To the extent that Mr. Smith performs the functions of a vice-president of Company A, his wages for such services must be reported by Company A. However, Mr. Smith may provide services to Leasing Company X other than those as an officer of Company A. To the extent that these services are provided to the Leasing Company, any wages for these services are to be reported by the Leasing Company.

- f) Nothing in this Section is intended to preclude the employee leasing company from performing the functions in subsection (b) through on-site supervisors whether or not such supervisors were previously employed by the client in the same or similar capacities. However, the employee leasing company must show that such individuals are its employees while performing the function of on-site supervisors in that, subject to subsection (c), it performs the functions in subsection (b) of this Section with respect to such individuals.

(Source: Amended at 18 Ill. Reg. 16355, effective October 4, 1994)

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Oil and Gas Act
- 2) Code Citation: 62 Ill. Adm. Code 240
- 3)

| | |
|------------------------|-----------------------|
| <u>Section Numbers</u> | <u>Adopted Action</u> |
| 240.10 | Amendment |
| 240.860 | Amendment |
| 240.861 | Amendment |
| 240.1600 | Amendment |
| 240.1620 | Amendment |
| 240.1810 | Amendment |

- 4) Statutory Authority: Implementing and authorized by Section 8 of the Illinois Oil and Gas Act. (225 ILCS 725/8).
- 5) Effective Date of Amendments: November 18, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 18, 1994
- 9) Notice of Proposed Amendments Published in Illinois Register: 18 Ill. Reg. 11696 (July 29, 1994)
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:

In Section 240.860(d)(1), the words "Produced water shall be" were replaced with "All liquid oilfield waste shall be removed and"; the words "in accordance with Section 240.930(b)." were replaced with "in a Class II UIC well."

In Section 240.860(d)(2), the words "and (b)" were added before the period.

In Section 240.860(d)(3), the words "and liner, if any" were added after add the words "The pit residue".

In Section 240.860(d)(3)(A), the word "the" was deleted after the word "that"; the words "or liner" were added after the word "residue"; the words "does not contain" were replaced with the word "containing"; the comma was deleted after the words "exceeding background" and replaced with the words "may be required to be disposed of at a waste facility permitted by the Illinois Department of Nuclear Safety;"

In Section 240.860(d)(3)(C), the sentence "For all pits closed under this

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Section, the permittee shall file a notice in the deed records of the county in which the pit is located on or before the date the pit is closed." was replaced with the following sentences: "The Department shall prepare an inventory identifying, by county, all closed and unclosed liquid oilfield waste or produced water storage pits. The Department shall file such notice in the county clerk's office in the county in which such pits are located."

In Section 240.861(g)(1)(A), the words "The free liquid fraction of the" were replaced with the word "All".

In Section 240.861(g)(1)(B), the words "and (b)" were added after the words "Section 240.940(a)".

In Section 240.861(g)(1)(C), the words "provided that pit residue containing NORM with radioactivity levels exceeding background may be required to be disposed of at a waste facility permitted by the Illinois Department of Nuclear Safety." were added after the word "landfill".

In Section 240.861(g)(2), the words "and disposed of at a nonhazardous special waste facility permitted by the IEPA." were added after the word "site".

In addition, the Department corrected the clerical and typographical mistakes identified by the Administrative Code Division and JCAR.

12) Have all changes agreed upon by JCAR and the agency been made as indicated in the agreement letter issued by JCAR to the agency? Yes

13) Will these Amendments replace an Emergency Amendment currently in effect? Yes

14) Are there any amendments pending on this part? No

15) Summary and Purpose of Rule(s): During the process of oil production, oilfield brine (saltwater) is produced with the oil. The oilfield brine will contaminate the groundwater and land surface if not properly disposed. In the past, oilfield brine was collected in earthen pits at production facilities prior to removal for disposal. Initially, the pits were not lined with any synthetic or natural materials to prevent the leakage of the oilfield brine into the groundwater system. The pits were later lined with synthetic materials, but, as the lining material degraded, these pits began to leak and have been a source of groundwater and surface land contamination over the years.

The disposal of oilfield brine is currently regulated as part of the USEPA Underground Injection Control Program, which is administered by the Illinois Department of Mines and Minerals (Department). The Department

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began developing rules for the closure of these pits in 1993 (with certain exceptions for cement pits or pits with extremely thick rubber liners) to remove sources of contamination throughout the oil producing regions of the state. The Illinois Environmental Protection Agency, the Illinois Department of Nuclear Safety (IDNS) and the Illinois oil and gas industry all participated in the development of Department rules that became effective on May 13, 1994.

During the development of these rules, the presence of NORM contained in oilfield brine became an issue. NORM is a low level radioactive, naturally occurring mineral brought to the surface with the oil and brine precipitated out in the earthen pits. As this issue gained national prominence, and the Department and IDNS became aware of the issue, both agencies determined the NORM material should be addressed during the disposal of oil and gas waste. Although the Department's pit closure rules had addressed the NORM issue, the Department and IDNS continued to meet in order to further "fine tune" an appropriate regulatory response to this serious concern.

The Department has adopted amendments to Section 240.860, as outlined in the following text, in order to address the legitimate concerns raised by the IDNS and the oil and gas industry. In addition, the Department has adopted adjustments to the pit closure deadlines in Section 240.860 to allow the oil and gas industry time to adjust to this new regulatory approach. Finally, the Department has adopted changes to Section 240.861, the rules governing existing pits, to ensure that these sites do not pose future environmental problems.

Sections 240.10, 240.1600, 240.1620 and 240.1810 are being amended to correct clerical mistakes made during previous rulemaking. In addition, the Department is proposing to amend the definition of "Emergency Remedial Work" and "Emergency Well Plugging" in Section 240.1600 to bring this rule into compliance with Section 19.1 of the Act.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: John C. Henriksen
General Counsel
Address: 300 W. Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137
Telephone: (217) 782-6791

The full text of the Adopted Amendments begin on the next page:

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TITLE 62: MINING

SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 240

THE ILLINOIS OIL AND GAS
ACT

SUBPART A: GENERAL PROVISIONS

Section

240.10 Definitions
 240.20 Prevention of Waste (Repealed)
 240.30 Jurisdiction (Repealed)
 240.40 Enforcement of Act (Repealed)
 240.50 Delegation of Authority (Repealed)
 240.60 Right of Inspection (Repealed)
 240.70 Right of Access (Repealed)
 240.80 Sworn Statements (Repealed)
 240.90 Additional Reports (Repealed)
 240.100 When Rules Become Effective (Repealed)
 240.110 Notice of Rules (Repealed)
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240.1960 Converting to Water Well

AUTHORITY: Implementing and authorized by Sections 6 and 8a of the Illinois Oil and Gas Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 5409 and 5413) [225 ILCS 725/6 and 8a].

SOURCE: Adopted November 7, 1951; emergency amendment at 6 Ill. Reg. 903, effective January 15, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5542, effective April 19, 1982; codified at 8 Ill. Reg. 2475; amended at 11 Ill. Reg. 2818, effective January 27, 1987; amended at 14 Ill. Reg. 2317, effective January 25, 1990; recodified at 14 Ill. Reg. 3053; amended at 14 Ill. Reg. 13620, effective August 8, 1990; amended at 14 Ill. Reg. 20427, effective January 1, 1991; amended at 15 Ill. Reg. 2706, effective Jan. 31, 1991; recodified at 15 Ill. Reg. 8566; recodified at 15 Ill. Reg. 11641; emergency amendment at 15 Ill. Reg. 14679, effective September 30, 1991 for a maximum of 150 days; amended at 15 Ill. Reg. 15493, effective October 10, 1991; amended at 16 Ill. Reg. 2576, effective February 3, 1992; amended at 16 Ill. Reg. 15513, effective September 29, 1992; expedited correction at 16 Ill. Reg. 18859, effective September 29, 1992; emergency amendment at 17 Ill. Reg. 1195, effective January 12, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2217, effective February 8, 1993; amended at 17 Ill. Reg. 14097, effective August 24, 1993; amended at 17 Ill. Reg. 19923, effective November 8, 1993; amended at 18 Ill. Reg. 8061, effective May 13, 1994; emergency amendment at 18 Ill. Reg. 10380, effective June 21, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. **16361**, effective **NOV 18 1994**.

SUBPART A: GENERAL PROVISIONS

Section 240.10 Definitions

"Annular or casing injection/disposal well"--means a well into which fluids are injected between the surface casing and the well bore, the surface casing and the production casing, and/or the production casing and the tubing, or a well into which fluids are injected which does not have production casing, tubing and packer.

"Cement"--means all petroleum industry cements meeting the requirements set forth in "Specifications for Oil Well Cements and Cement Additives", API Standard 10A, January, 1974, published by the American Petroleum Institute, 1220 L Street, Northwest, Washington, D.C. 20005 (this incorporation does not include any later publications or editions), except as provided in Subpart K of these rules.

"Class II UIC well"--means a well into which fluids are injected:

Which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production and may be commingled with wastewaters from gas plants which are an integral part of production operations unless those waters are

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classified as a hazardous waste at the time of injection;

For enhanced recovery of oil or natural gas; and

For storage of hydrocarbons which are liquid at standard temperature and pressure.

"Convert"--means to change an oil, gas, Class II UIC, water supply, observation or gas storage well to another of those types of wells, requiring the issuance of a new permit.

"Department"--means the Department of Mines and Minerals of the State of Illinois. (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5401) [225 ILCS 725/1]

"Directional Drilling"--means the controlled directional drilling when the bottom of the well bore is directed away from the vertical position.

"Disposal Well"--means a Class II UIC well into which fluids brought to the surface in connection with oil or natural gas production are injected into a non-productive oil or gas zone for purposes other than enhanced oil recovery.

"District Office"--means the Department's office for the district in which the well is located.

"Enhanced Oil Recovery"--means any secondary or tertiary recovery method used in an effort to recover hydrocarbons from a pool by injection of fluids, gases or other substances to maintain, restore or augment natural reservoir energy, or by introducing gases, chemicals, other substances or heat or by in-situ combustion, or by any combination thereof. (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5401) [225 ILCS 725/1]

"Enhanced Oil Recovery Injection Well"--means a Class II UIC well used for enhanced oil recovery.

"Flowline"--means all injection, produced water and oil flow lines located within the boundaries of a lease or unit, or gathering lines between leases to a centralized storage area, or to the point where the lines connect with a primary transportation pipeline.

"Fresh Water"--means surface and subsurface water in its natural state useful for drinking water for human consumption, domestic livestock, irrigation, industrial, municipal and recreational purposes, and which will support aquatic life and contains less than 10,000 mg/liter total dissolved solids.

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"General Oilfield Waste"--means paper, trash, only oily rags, chemical containers, oil filters and gaskets, used motor oil, hydraulic fluids, diesel fuels and other similar wastes generated during completion, production and plugging activities.

"Liquid Oilfield Waste"--means oilfield brines, produced waters, tank and pit bottom sediments, and drilling and completion fluids, to the extent those wastes are now or hereafter exempt from the provisions of Subtitle C of the Federal Resource Conservation Recovery Act of 1976. (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5414.1) [225 ILCS 725/8c]

"Liquid Oilfield Waste Hauler"--means a person holding a permit to operate a liquid oilfield waste transportation system.

"Orphan Well"--means a well for which: (1) No fee assessment under Section 19.7 of the Act has been paid or no other bond coverage has been provided for 2 consecutive years; (2) no oil or gas has been produced from the well or from the lease or unit on which the well is located for 2 consecutive years; and (3) no permittee or owner can be identified or located by the Department. Orphaned wells include wells that may have been drilled for purposes other than those for which a permit is required under the Act if the well is a conduit for oil or salt water intrusions into fresh water zones or onto the surface which may be caused by oil and gas operations. (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5401) [225 ILCS 725/1]

"Owner"--means the person who has the right to drill into and produce from any pool, and to appropriate the production either for himself or for himself and another, or others, excluding the mineral owner's royalty if the right to drill and produce has been granted under an oil and gas lease. [225 ILCS 725/1]

"Permit"--means the Department's written authorization allowing a well or test hole to be drilled, deepened, converted and/or operated.

"Permittee"--means the person holding or required to hold the permit, and who is also responsible for paying assessments in accordance with Section 19.7 of the Act and, where applicable, executing and filing the bond associated with the well as principal. When the ownership of the right to drill for and produce oil or gas consists of fractional undivided working interests, the permit shall be issued to an owner designated under an operating or other similar agreement as having the full rights and responsibility for operating the well. In the absence of such agreement, the permit shall be issued to an owner designated by the majority in interest of the owners of the well. [225 ILCS 725/1]

"Person"--means any natural person, corporation, association, partnership, governmental agency or other legal entity, receiver,

trustee, guardian, executor, administrator, fiduciary or representative of any kind. [225 ILCS 725/1]

"Pool"--means a natural underground reservoir containing, in whole or in part, a natural accumulation of oil or gas, or both. Each productive zone or stratum of a general structure, which is completely separated from any other zone or stratum in the structure, is deemed a separate "pool" as used herein. [225 ILCS 725/1]

"Produced Water"--means water regardless of chloride and total dissolved solids (TDS) content which is produced in conjunction with oil and/or natural gas production and natural gas storage operations.

"Production Casing"--means the string of casing placed in a well and used for the purpose of isolating the production or injection formation.

"Repressure"--means to increase the reservoir pressure by the introduction of gas, air or water or other fluid into the reservoir.

"Reservoir"--for the purpose of these rules, is interchangeable with the term pool.

"Rotary Drilling"--means the hydraulic process of drilling a well for oil or gas as such method is commonly used in the industry.

"Shooting"--means the exploding of nitroglycerin or other high explosives in a well for the purpose of increasing the production of oil or gas.

"Tank"--means a vessel into which oil or water is gathered, produced or stored.

"The Act"--means the provisions of the Illinois Oil and Gas Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 5401 et seq.) [225 ILCS 725].

"Undeveloped Limits of a Mine"--means that portion of a mine where the entries have not been driven to the boundaries of the mine property.

"Vacuum"--means pressure which is reduced below the pressure of the atmosphere.

"Well"--means any drill hole required to be permitted under subsection (2) of Section 6 or Section 12 of the Act.

(Source: Amended at 18 Ill. Reg. 16361, effective NOV 18 1994)

Section 240.860 pits

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- a) "pit", as used in this Section, is a synthetic lined or unlined earthen surface impoundment, whether a man-made excavation or a diked area, used for temporary storage of liquid oil field waste or produced water prior to disposal.
- b) Construction of pits other than those specified in Subparts E and K of this Part is prohibited.
- c) All ~~existing~~ pits in existence on May 13, 1994 shall be closed by July 1, 1995 as follows, unless ~~constructed~~ exempted in accordance with Section 240.861 of this Part:

- 1) All pits without synthetic liners shall be restored in accordance with subsection (d) below ~~within nine--(9)--months--after--the effective-date-of-this-Section.~~
- 2) Unpermitted synthetic lined pits shall be restored in accordance with subsection (d) below ~~within nine--(9)--months.~~
- 3) Pits with leaking or torn liners shall be restored in accordance with subsection (d) below ~~within nine--(9)--months.~~
- 4) Permitted synthetic lined pits that are not torn or leaking shall be restored in accordance with subsection (d) below within five (5) years from the Department's pit permit date.
- 5) Synthetic lined pits permitted more than five (5) years ago shall be restored in accordance with subsection (d) below ~~within nine--(9)--months--after--the effective-date-of-this-Section.~~

- d) Pits shall be restored as follows:

- 1) ~~Produced-water--shall--be--All liquid oilfield waste shall be removed and disposed of in--accordance--with--Section-240-940--(b) in a Class II UTC well.~~
- 2) Crude oil bottom sediments shall be disposed of in accordance with Section 240.940(a) and (b).
- 3) The pit residue and liner, if any, shall either be:
 - A) removed from the site and disposed of at an Illinois Environmental Protection Agency permitted non-hazardous special waste landfill, provided that pit residue or liner containing NORM with radioactivity levels exceeding background may be required to be disposed of at a waste facility permitted by the Illinois Department of Nuclear Safety; or
 - B) consolidated from the sides to the bottom of the pit and covered in place with a clay or synthetic liner sufficient to impede the infiltration of surface water and ~~buried~~ placed at least five (5) feet below the ground surface. The pit shall be backfilled and the pit residue covered with 5' of soil having a radioactivity level at or below background level with the upper most 18" consisting of clean soil not contaminated by oilfield brine or crude oil. The backfilled area shall be graded to promote runoff with no depressions that would accumulate or pond water on the surface. The stability of the backfilled pit shall be compatible with the adjacent land use. The surface area over the backfilled pit area shall be stabilized to prevent erosion.

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- C) The Department shall prepare an inventory identifying, by county, all closed and unclosed liquid oilfield waste or produced water storage pits. The Department shall file such notice in the county clerk's office in the county in which such pits are located. The notice shall specify the location of the pit, generally identify the nature of the materials buried and, if known, specify the radioactivity level of the material buried. If the radioactivity is not known, the notice shall specify that the buried oil and gas waste may contain Naturally Occurring Radioactive Material (NORM).

(Source: Amended at 18 Ill. Reg. 16361, effective May 10 1994)

Section 240.861 Existing Pit Exemption

- a) Any ~~existing~~ pit in existence on May 13, 1994, ~~on-the-effective-date of-this-ruler~~ does not have to be closed in accordance with Section 240.860(c) of this Part if presently constructed or will be reconstructed by July 1, 1995 as follows:
- 1) The pit must be lined with a synthetic flexible liner that is compatible with the produced fluid and has a coefficient of permeability of no greater than 1×10^{-7} cm/sec and shall be at least 30 mils in thickness. Adjoining sections of liners must be sealed together in accordance with the manufacturer's specifications; and
 - 2) The pit must be underlined by a gravel sub-base, at least 4" in thickness, in which slotted or perforated PVC pipe has been placed in order to provide for under pit drainage. This drainage system must be constructed to allow monitoring and sampling of fluid drainage from underneath the pit.
- b) ~~All--existing--pits--covered--by--this--Section--shall--be--permitted--in--accordance--with--Section--240-850--(c)--of--this--Part--and--include--an engineering--diagram--of--the--construction--specifications--of--the--pit--All pits shall be permitted prior to reconstruction on a form prescribed by the Department which shall include the following:~~
- 1) A map drawn to scale showing the location of the pit relative to the lease boundaries, potable water wells and surface drainage located within 1/4 mile of the existing pit.
 - 2) An engineering diagram of the construction specifications of the pit.
 - 3) Soil types in the area of the pit.
 - 4) Chemical analysis of produced water to be temporarily stored in the pit, showing TDS and chlorides.
 - 5) A description of the method for disposal of the produced water or liquid oilfield waste temporarily stored in the pit.
- c) ~~All--existing--pits--covered--by--this--Section--shall--be--in--compliance--with Section-240-850--(d)--through--(f)--of--this--Part--All existing pits~~

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shall be in compliance with the following:

- 1) Surface water drainage shall be diverted away from the pit.
- 2) Pit contents shall not be discharged onto the surrounding land surface or into a stream or other body of water unless a permit has been obtained from the Illinois Environmental Protection Agency ("IEPA").
- 3) The pit permit number and the name of the permittee must be posted at the pit location in a legible and visible manner.
- 4) All pits shall be covered with bird netting or other systems designed to keep birds and flying mammals from landing in the pit.
- d) All existing pits covered by this Section shall sample, quarterly, the fluid drainage from beneath the pit. The sample shall be analyzed for chlorides by an "independent testing" facility. The results of the analysis shall be maintained at the facility offices, for review upon request, by the Department.
- e) If the fluid analysis indicates a leak is present, the Department shall be notified within five (5) days and the pit shall be drained and repaired.
- f) ~~All existing pits covered by this Section shall be subject to inspection in accordance with Section 240.940(a) of this Part. All existing pits covered by this Section shall be subject to inspection by a Department well inspector. If requested at the time of the inspection, the pit shall be emptied in order to examine the integrity of the structure. The Department may order any remedial work it deems necessary to ensure compliance with Department regulations.~~

g) Prior to liner removal and burial of the pit:

- A) All liquid oilfield waste shall be removed and disposed of in a Class II UIC well.
- B) Crude oil bottom sediments shall be disposed of in accordance with Section 240.940(a) and (b) of this Part.
- C) Pit residue shall be removed from the site and disposed of at an IEPA permitted non-hazardous special waste landfill provided that pit residue containing NORM with radioactivity levels exceeding background may be required to be disposed of at a waste facility permitted by the Illinois Department of Nuclear Safety.
- 2) The liner must be completely removed from the site and disposed of at a nonhazardous special waste facility permitted by the IEPA. The surface area shall be leveled and pit filled in such manner as to prevent the ponding of water and erosion and allow the site to be returned to original use with no subsidence or leakage of fluids, and where applicable, with sufficient compaction to support farm machinery.

(Source: Amended at 18 Ill. Reg. **16361**, effective
NOV 18 1994)

SUBPART P: WELL PLUGGING AND RESTORATION PROGRAM

Section 240.1600 Definitions

The following definitions are applicable to this Subpart:

"Abandoned Well" means:

A well:

for which the underlying lease has been released in writing by the lessee or has been declared forfeited or invalid by a court order, such order is final and the appeal period has lapsed; and

the lessor states in writing that the lessor has not leased out the oil and gas working interest to any other person and does not intend to so lease, that the lessor does not intend to operate the well, and that the lessor desires that the well be plugged; or

A well owned by a permittee who has made no payment by November 1 of a current annual well fee assessment; or

A well that has not produced for over two (2) years and has failed to comply with temporary abandonment requirements in accordance with Section 240.1390ll30 of this Part.

"Emergency Project" means an emergency well plugging or emergency remedial work PRF Project.

"Emergency Remedial Work" means remedial work to repair or contain leaks from production equipment, pits, or other containment structures of oil or saltwater that are contaminating surface waters, ground waters or are flowing in sufficient quantity to create an increasing area of contamination on the surface of the land.

"Emergency Well Plugging" means a well or wells that are actively flowing oil or saltwater and are contaminating surface waters, ground waters or flowing in sufficient quantity to create an increasing area of contamination on the surface of the land, or a well leaking natural gas or hydrogen sulfide gas in sufficient quantity to endanger public safety or create a fire hazard.

"Orphaned Well" means a well for which no permittee exists or can be located, no bond exists and no fees have been paid in accordance with Section 19-8 19.7 of the Illinois Oil and Gas Act.

"PRF" means the Department's Plugging and Restoration Fund,

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established under Section 6 of the Illinois Oil and Gas Act.

(Source: Amended at 18 Ill. Reg. 16361, effective
NOV 18 1994)

Section 240.1620 Plugging Orphan Wells

- a) If upon review of Department records a determination is made that no permittee can be located, the well is not located on a valid lease, no bond exists and no fees have been paid in accordance with Section 19.7 of the Act, the well shall be deemed an orphan well.
- b) The Department may elect to plug, replug, repair, or restore the well site of any orphan well.
- c) If the Department determines that any condition or practice exists which creates an imminent danger to the health or safety of the public, ~~an imminent danger to the health or safety of the public~~ or an imminent danger of significant environmental harm or significant damage to property, the Department or its agent may immediately take any action necessary to temporarily correct the source of oil or salt water intrusion into fresh water zones or onto the surface.
- d) The cost of all work completed under this Section shall be paid from the Plugging and Restoration Fund.

(Source: Amended at 18 Ill. Reg. 16361, effective
NOV 18 1994)

Section 240.1810 Submission of Underground Gas Storage Field Map

- a) Each Gas Storage Operator shall submit to the Department annually a map showing:
 - a1) The lowest closing contour at which natural gas can be stored,
 - b2) The area of land which is currently under a valid lease or storage rights agreement, and
 - c3) Any protective boundaries established by a governmental agency.
- b) Upon written request to the Department, the above information ~~is~~ will be considered proprietary information and shall be held confidential.

(Source: Amended at 18 Ill. Reg. 16361, effective
NOV 18 1994)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3) Section Number: Adopted Action:

| | |
|----------|---------|
| 211.3480 | New |
| 211.3650 | Amended |
| 211.3660 | New |
| 211.6970 | Amended |
| 211.6990 | Amended |
- 4) Statutory Authority: 415 ILCS 5/27
- 5) Effective Date of Rule(s) (Amendments, Repealer): October 25, 1994
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: October 20, 1994.
- 9) Notice(s) of Proposal Published in Illinois Register:
18 Ill. Reg. 9228, June 24, 1994.
- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? If answer is "yes," please complete the following: No.
 - A) Statement of Objection: _____, Ill. Reg. _____
 - B) Agency Response: _____, Ill. Reg. _____
 - C) Date Agency Response Submitted for Approval to JCAR: _____
- 11) Difference(s) between proposal and final version:
In the "Authority Note" change "Section" to "Sections" and strike out "1992".
After the Source Note add "BOARD NOTE: This Part implements the Environmental Protection Act as of July 1, 1994."
In the Section Source Notes, the phrase "in R94-15" will be deleted.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE B: AIR POLLUTION
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS
 FOR STATIONARY SOURCES

PART 211

DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section
 211.101
 211.102

Incorporations by Reference
 Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

Section

211.121
 211.122
 211.130
 211.150
 211.170

Other Definitions
 Definitions (Repealed)

Accelacota

Accumulator

Acid Gases

Actual Heat Input

Adhesive

Aeration

Aerosol Can Filling Line

Afterburner

Air Contaminant

Air Dried Coatings

Air Oxidation Process

Air Pollutant

Air Pollution

Air Suspension Control Equipment

Air Suspension Coater/Dryer

Airless Spray

Air Assisted Airless Spray

Annual Grain Through-Put

Application Area

Architectural Coating

As Applied

Asphalt

Asphalt Prime Coat

Automobile

Automobile or Light-Duty Truck Assembly Source or Automobile or

Light-Duty Truck Manufacturing Plant

Automobile or Light-Duty Truck Refinishing

Baked Coatings

Batch Loading

211.650
 211.670
 211.690

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.710
 211.730

Bead-Dipping
 Binders

British Thermal Unit

Brush or Wipe Coating

Bulk Gasoline Plant

Bulk Gasoline Terminal

Can

Can Coating

Can Coating Line

Capture

Capture Device

Capture Efficiency

Capture System

Certified Investigation

Choke Loading

Clean Air Act

Cleaning and Separating Operation

Cleaning Materials

Clear Coating

Clear Topcoat

Closed Purged System

Closed Vent System

Coal Refuse

Coating

Coating Applicator

Coating Line

Coating Plant

Coil Coating

Coil Coating Line

Cold Cleaning

Complete Combustion

Component

Concrete Curing Compounds

Concentrated Nitric Acid Manufacturing Process

Condensate

Condensible PM-10

Continuous Process

Control Device

Control Device Efficiency

Conventional Soybean Crushing Source

Conveyorized Degreasing

Crude Oil

Crude Oil Gathering

Crushing

Custody Transfer

Cutback Asphalt

Daily-Weighted Average VOM Content

Day

Degreaser

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

211.1730 Delivery Vessel
 211.1750 Dip Coating
 211.1770 Distillate Fuel Oil
 211.1790 Drum
 211.1810 Dry Cleaning Operation or Dry Cleaning Facility
 211.1830 Dump-Pit Area
 211.1850 Effective Grate Area
 211.1870 Effluent Water Separator
 211.1890 Electrostatic Bell or Disc Spray
 211.1910 Electrostatic Spray
 211.1930 Emission Rate
 211.1950 Emission Unit
 211.1970 Enamel
 211.1990 Enclose
 211.2010 End Sealing Compound Coat
 211.2030 Enhanced Under-the-Cup Fill
 211.2050 Ethanol Blend Gasoline
 211.2070 Excess Air
 211.2090 Excessive Release
 211.2110 Existing Grain-Drying Operation
 211.2130 Existing Grain-Handling Operation
 211.2150 Exterior Base Coat
 211.2170 Exterior End Coat
 211.2190 External Floating Roof
 211.2210 Extreme Performance Coating
 211.2230 Fabric Coating
 211.2250 Fabric Coating Line
 211.2270 Federally Enforceable Limitations and Conditions
 211.2310 Final Repair Coat
 211.2330 Firebox
 211.2350 Fixed-Roof Tank
 211.2370 Flexographic Printing
 211.2390 Flexographic Printing Line
 211.2410 Floating Roof
 211.2430 Fountain Solution
 211.2450 Freeboard Height
 211.2470 Fuel Combustion Emission Unit or Fuel Combustion Emission Source
 211.2490 Fugitive Particulate Matter
 211.2510 Full Operating Flowrate
 211.2530 Gas Service
 211.2550 Gas/Gas Method
 211.2570 Gasoline
 211.2590 Gasoline Dispensing Operation or Gasoline Dispensing Facility
 211.2610 Gel Coat
 211.2650 Grain
 211.2670 Grain-Drying Operation
 211.2690 Grain-Handling and Conditioning Operation
 211.2710 Grain-Handling Operation
 211.2730 Green-Tire Spraying

211.2750 Green Tires
 211.2770 Gross Heating Value
 211.2790 Gross Vehicle Weight Rating
 211.2810 Heated Airless Spray
 211.2830 Heatset
 211.2850 Heatset-Web-Offset Lithographic Printing Line
 211.2870 Heavy Liquid
 211.2890 Heavy Metals
 211.2910 Heavy Off-Highway Vehicle Products
 211.2930 Heavy Off-Highway Vehicle Products Coating
 211.2950 Heavy Off-Highway Vehicle Products Coating Line
 211.2970 High Temperature Aluminum Coating
 211.2990 High Volume Low Pressure (HVLP) Spray
 211.3010 Hood
 211.3030 Hot Well
 211.3050 Housekeeping Practices
 211.3070 Incinerator
 211.3090 Indirect Heat Transfer
 211.3110 Ink
 211.3130 In-Process Tank
 211.3150 In-Situ Sampling Systems
 211.3170 Interior Body Spray Coat
 211.3190 Internal-Floating Roof
 211.3210 Internal Transferring Area
 211.3230 Lacquers
 211.3250 Large Appliance
 211.3270 Large Appliance Coating
 211.3290 Large Appliance Coating Line
 211.3310 Light Liquid
 211.3330 Light-Duty Truck
 211.3350 Light Oil
 211.3370 Liquid/Gas Method
 211.3390 Liquid-Mounted Seal
 211.3410 Liquid Service
 211.3430 Liquids Dripping
 211.3450 Lithographic Printing Line
 211.3470 Load-Out Area
 211.3480 Loading Event
 211.3490 Low Solvent Coating
 211.3500 Lubricating Oil
 211.3510 Magnet Wire
 211.3530 Magnet Wire Coating
 211.3550 Magnet Wire Coating Line
 211.3570 Major Dump Pit
 211.3590 Major Metropolitan Area (MMA)
 211.3610 Major Population Area (MPA)
 211.3620 Manually Operated Equipment
 211.3630 Manufacturing Process
 211.3650 Marine Terminal

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

| | |
|----------|---|
| 211.3660 | Marine Vessel |
| 211.3670 | Material Recovery Section |
| 211.3690 | Maximum Theoretical Emissions |
| 211.3710 | Metal Furniture |
| 211.3730 | Metal Furniture Coating |
| 211.3750 | Metal Furniture Coating Line |
| 211.3770 | Metallic Shoe-Type Seal |
| 211.3790 | Miscellaneous Fabricated Product Manufacturing Process |
| 211.3810 | Miscellaneous Formulation Manufacturing Process |
| 211.3830 | Miscellaneous Metal Parts and Products |
| 211.3850 | Miscellaneous Metal Parts and Products Coating |
| 211.3870 | Miscellaneous Metal Parts or Products Coating Line |
| 211.3890 | Miscellaneous Organic Chemical Manufacturing Process |
| 211.3910 | Mixing Operation |
| 211.3930 | Monitor |
| 211.3950 | Monomer |
| 211.3970 | Multiple Package Coating |
| 211.3990 | New Grain-Drying Operation |
| 211.4010 | New Grain-Handling Operation |
| 211.4030 | No Detectable Volatile Organic Material Emissions |
| 211.4050 | Non-Contact Process Water Cooling Tower |
| 211.4070 | Offset |
| 211.4090 | One Hundred Percent Acid |
| 211.4110 | One-Turn Storage Space |
| 211.4130 | Opacity |
| 211.4150 | Opaque Stains |
| 211.4170 | Open Top Vapor Degreasing |
| 211.4190 | Open-Ended Valve |
| 211.4210 | Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility |
| 211.4230 | Organic Compound |
| 211.4250 | Organic Material and Organic Materials |
| 211.4260 | Organic Solvent |
| 211.4270 | Organic Vapor |
| 211.4290 | Oven |
| 211.4310 | Overall Control |
| 211.4330 | Overvarnish |
| 211.4350 | Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility |
| 211.4370 | Owner or Operator |
| 211.4390 | Packaging Rotogravure Printing |
| 211.4410 | Packaging Rotogravure Printing Line |
| 211.4430 | Pail |
| 211.4450 | Paint Manufacturing Source or Paint Manufacturing Plant |
| 211.4470 | Paper Coating |
| 211.4490 | Paper Coating Line |
| 211.4510 | Particulate Matter |
| 211.4530 | Parts Per Million (Volume) or PPM (Vol) |
| 211.4550 | Person |

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

| | |
|----------|--|
| 211.4590 | Petroleum |
| 211.4610 | Petroleum Liquid |
| 211.4630 | Petroleum Refinery |
| 211.4650 | Pharmaceutical |
| 211.4670 | Pharmaceutical Coating Operation |
| 211.4690 | Photochemically Reactive Material |
| 211.4710 | Pigmented Coatings |
| 211.4730 | Plant |
| 211.4750 | Plasticizers |
| 211.4770 | PW-10 |
| 211.4790 | Pneumatic Rubber Tire Manufacture |
| 211.4810 | Polybasic Organic Acid Partial Oxidation Manufacturing Process |
| 211.4830 | Polyester Resin Material(s) |
| 211.4850 | Polyester Resin Products Manufacturing Process |
| 211.4870 | Polystyrene Plant |
| 211.4890 | Polystyrene Resin |
| 211.4910 | Portable Grain-Handling Equipment |
| 211.4930 | Portland Cement Manufacturing Process Emission Source |
| 211.4950 | Portland Cement Process or Portland Cement Manufacturing Plant |
| 211.4970 | Potential to Emit |
| 211.4990 | Power Driven Fastener Coating |
| 211.5030 | Pressure Release |
| 211.5050 | Pressure Tank |
| 211.5060 | Pressure/Vacuum Relief Valve |
| 211.5070 | Prime Coat |
| 211.5090 | Primer Surfacer Coat |
| 211.5110 | Primer Surfacer Operation |
| 211.5130 | Primers |
| 211.5150 | Printing |
| 211.5170 | Printing Line |
| 211.5185 | Process Emission Source |
| 211.5190 | Process Emission Unit |
| 211.5210 | Process Unit |
| 211.5230 | Process Unit Shutdown |
| 211.5250 | Process Weight Rate |
| 211.5270 | Production Equipment Exhaust System |
| 211.5310 | Publication Rotogravure Printing Line |
| 211.5330 | Purged Process Fluid |
| 211.5340 | Rated Heat Input Capacity |
| 211.5350 | Reactor |
| 211.5370 | Reasonably Available Control Technology (RACT) |
| 211.5390 | Reclamation System |
| 211.5410 | Refiner |
| 211.5430 | Refinery Fuel Gas |
| 211.5450 | Refinery Fuel Gas System |
| 211.5470 | Refinery Unit or Refinery Process Unit |
| 211.5490 | Refrigerated Condenser |
| 211.5500 | Regulated Air Pollutant |
| 211.5510 | Reid Vapor Pressure |

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

| | |
|----------|--|
| 211.5530 | Repair |
| 211.5550 | Repair Coat |
| 211.5570 | Repaired |
| 211.5590 | Residual Fuel Oil |
| 211.5610 | Restricted Area |
| 211.5630 | Retail Outlet |
| 211.5650 | Ringelmann Chart |
| 211.5670 | Roadway |
| 211.5690 | Roll Coater |
| 211.5710 | Roll Coating |
| 211.5730 | Roll Printer |
| 211.5750 | Roll Printing |
| 211.5770 | Rotogravure Printing |
| 211.5790 | Rotogravure Printing Line |
| 211.5810 | Safety Relief Valve |
| 211.5830 | Sandblasting |
| 211.5850 | Sanding Sealers |
| 211.5870 | Screening |
| 211.5890 | Sealer |
| 211.5910 | Semi-Transparent Stains |
| 211.5930 | Sensor |
| 211.5950 | Set of Safety Relief Valves |
| 211.5970 | Sheet Basecoat |
| 211.5990 | Shotblasting |
| 211.6010 | Side-Seam Spray Coat |
| 211.6030 | Smoke |
| 211.6050 | Smokeless Flare |
| 211.6070 | Solvent |
| 211.6090 | Solvent Cleaning |
| 211.6110 | Solvent Recovery System |
| 211.6130 | Source |
| 211.6150 | Specialty High Gloss Catalyzed Coating |
| 211.6170 | Specialty Leather |
| 211.6190 | Specialty Soybean Crushing Source |
| 211.6210 | Splash Loading |
| 211.6230 | Stack |
| 211.6250 | Stain Coating |
| 211.6270 | Standard Conditions |
| 211.6290 | Standard Cubic Foot (scf) |
| 211.6310 | Start-Up |
| 211.6330 | Stationary Emission Source |
| 211.6350 | Stationary Emission Unit |
| 211.6370 | Stationary Source |
| 211.6390 | Stationary Storage Tank |
| 211.6410 | Storage Tank or Storage Vessel |
| 211.6430 | Styrene Devolatilizer Unit |
| 211.6450 | Styrene Recovery Unit |
| 211.6470 | Submerged Loading Pipe |
| 211.6490 | Substrate |

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

| | |
|----------|--|
| 211.6510 | Sulfuric Acid Mist |
| 211.6530 | Surface Condenser |
| 211.6550 | Synthetic Organic Chemical or Polymer Manufacturing Plant |
| 211.6570 | Tablet Coating Operation |
| 211.6590 | Thirty-Day Rolling Average |
| 211.6610 | Three-Piece Can |
| 211.6630 | Through-the-Valve Fill |
| 211.6650 | Tooling Resin |
| 211.6670 | Topcoat |
| 211.6690 | Topcoat Operation |
| 211.6710 | Touch-Up |
| 211.6730 | Transfer Efficiency |
| 211.6750 | Tread End Cementing |
| 211.6770 | True Vapor Pressure |
| 211.6790 | Turnaround |
| 211.6810 | Two-Piece Can |
| 211.6830 | Under-the-Cup Fill |
| 211.6850 | Undertread Cementing |
| 211.6870 | Unregulated Safety Relief Valve |
| 211.6890 | Vacuum Producing System |
| 211.6910 | Vacuum Service |
| 211.6930 | Valves Not Externally Regulated |
| 211.6950 | Vapor Balance System |
| 211.6970 | Vapor Collection System |
| 211.6990 | Vapor Control System |
| 211.7010 | Vapor-Mounted Primary Seal |
| 211.7030 | Vapor Recovery System |
| 211.7050 | Vapor Suppressed Polyester Resin |
| 211.7070 | Vinyl Coating |
| 211.7090 | Vinyl Coating Line |
| 211.7110 | Volatile Organic Liquid (VOL) |
| 211.7130 | Volatile Organic Material Content (VOMC) |
| 211.7150 | Volatile Organic Material (VOM) or Volatile Organic Compound (VOC) |
| 211.7170 | Volatile Petroleum Liquid |
| 211.7190 | Wash Coat |
| 211.7210 | Wastewater (Oil/Water) Separator |
| 211.7230 | Weak Nitric Acid Manufacturing Process |
| 211.7250 | Web |
| 211.7270 | Wholesale Purchase - Consumer |
| 211.7290 | Wood Furniture |
| 211.7310 | Wood Furniture Coating |
| 211.7330 | Wood Furniture Coating Line |
| 211.7350 | Woodworking |

APPENDIX A Rule into Section Table

APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 10, 27 and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 13744, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16709, effective OCT 17 1994; amended in R94-15 at 18 Ill. Reg. 16709, effective OCT 5 1994.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, superscript number or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART B: DEFINITIONS

Section 211.3480 Loading Event

"Loading event" begins with the connecting of marine terminal storage tanks to a marine vessel by means of piping or hoses, and includes the transfer of liquid from the storage tank into the marine vessel and ends with the disconnecting of the pipes or hoses.

(Source: Added at 18 Ill. Reg. 16769, effective OCT 25 1994)

Section 211.3650 Marine Terminal

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Marine terminal" means a facility source primarily--engaged--in that loading loads and unloading unloads water craft.

(Source: Amended at 18 Ill. Reg. 16379, effective OCT 25 1994)

Section 211.3660 Marine Vessel

"Marine vessel" means any tanker, freighter, barge, or other watercraft which transport solid or liquid freight, including grain, coal, rock, petroleum liquid, or crude oil in bulk.

(Source: Added at 18 Ill. Reg. 16379, effective OCT 25 1994)

Section 211.6970 Vapor Collection System

"Vapor collection system" means all piping, seals, hoses, connections, pressure-vacuum vents, and other components between the gasoline delivery vessel or marine vessel and the vapor processing unit and/or the storage tanks and vapor-holder.

(Source: Amended at 18 Ill. Reg. 16379, effective OCT 25 1994)

Section 211.6990 Vapor Control System

"Vapor control system" means any system that limits or prevents release to the atmosphere of organic material in the vapors displaced from a tank or marine vessel during the transfer of gasoline or other volatile organic liquid.

(Source: Amended at 18 Ill. Reg. 16379, effective OCT 25 1994)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Chicago Area

- 2) Code Citation: 35 Ill. Adm. Code 218

- 3) Section Number: Adopted Action:

218.101 Amended

218.106 Amended

218.760 New

218.762 New

218.764 New

218.766 New

218.768 New

218.770 New

218.920 Amended

218.960 Amended

218.Appendix E New

- 4) Statutory Authority: 415 ILCS 5/27.

- 5) Effective Date of Rule(s) (Amendments, Repealer): October 25, 1994

- 6) Does this rulemaking contain an automatic repeal date?: No.

- 7) Does this rule (amendment, repealer) contain incorporations by reference?
No.

- 8) Date Filed in Agency's Principal Office: October 20, 1994.

- 9) Notice(s) of Proposal Published in Illinois Register:

18 Ill. Reg. 9242, June 24, 1994.

- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? If answer is "yes," please complete the following: No.

A) Statement of Objection: _____, Ill. Reg. _____.

B) Agency Response: _____, Ill. Reg. _____.

- C) Date Agency Response Submitted for Approval to JCAR:

- 11) Difference(s) between proposal and final version:

In the Table of Contents, Subpart GG "219" is changed to "218".

After the Source Note add "BOARD NOTE: This Part implements the Environmental Protection Act as of July 1, 1994."

In Section 218.106(c), "Sections 218.106(a) or 218.106(b) above" will be stricken out and replaced with "subsection a or b of this Section".

In Section 218.762, after "September 15," the phrase "the regulatory control period," should be added.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

In Section 218.762(b)(3), "Is vapor-tight" is changed to "is-vapor-tight" and "the following" is added after "described in".
In Section 218.762(b)(3)(B), the word "either" is added between "within" and "the" and the phrase "or the preceding 14 months, if the test is being conducted as part of the Coast Guard's reinspection of the vessel required under 46 CFR 31.10-17," after is added "12 months". Also, "Section 218.768(e)(2)" is changed to "Section 218.768(b)".

In Section 218.762(b)(3)(C), "either" is added after "in" and before "the" and the phrase "or in the preceding 14 months, if the test is being conducted as part of the Coast Guard's reinspection of the vessel required under 46 CFR 31.10-17" is added after "months" and before the comma.

In Section 218.764, the following new subsection is added:

c) If not loading during the 1996 regulatory control period or the 1996 and 1997 regulatory control periods, a statement that the source will not be loading gasoline or crude oil, the regulatory control period affected, and a date certain when the requirements of subsection (a) above will be met. Further, if the owner or operator is also required to comply with the control requirements for marine vessel loading adopted pursuant to Section 112(d) or Section 183(f) of the CAA, then the above statement of not loading may extend to subsequent regulatory control periods until installment and operation of the control equipment is required under Section 112(d) or Section 183(f) of the CAA.

In Section 218.768(d), "Section 218.762(b)(4)" is changed to "Section 218.762(b)(3)".

In Section 218.762(d)(1), "218.762(b)(2)(a)" is changed to "218.762(b)(3)(A)".

In Section 218.768(d)(3), "an" is added before "alternative".

In Section 218.770(a), a comma is added after "marine terminal" and "during the regulatory control period" is added after "loaded".

In Section 218.770(a)(6), "If a copy of the Coast Guard certificate is not available at the time of loading, then the date that the marine vessel was last inspected and the authorization that the marine vessel has functioning vapor control equipment must be recorded from the certification. Further, a copy of the certificate must be obtained by the owner or operator of the marine terminal within 21 days of the loading event" is added after "46 CFR 39".

In Section 218.770(c), "have" is changed to "has".

In Section 218.770, a new subsection d is added which reads:

d) Owners or operators certifying compliance under Section 218.764(c) shall maintain the records specified in subsections (a)(1), (a)(2), and (a)(3) above.

and the remaining subsections are renumbered.

In Section 218.770(e), "subsections (a), (b), and (c)" are changed to read: "(a), (b), (c), and (d)".

In Section 218.920(b)(2), "DD" and "CC" will be inverted to proper alphabetical order, using appropriate strike-out and underlines.

In Section 218.920(c), "sources" will be changed to "source".

Section 218.940 is not being amended and is therefore deleted.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

In Section 218.960(a)(2), "part" will be changed to "part".
 In Section 218.960(g), a comma will be added after "board".
 Section 218.980 is not being amended and is therefore deleted.
 In Section 218.Appendix E, a period will be added after "Corp".
 In the Section Source notes, the phrase "in R94-15" will be deleted.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? Yes.

| Section Numbers: | Proposed Action: | Ill. Reg. Citation: |
|------------------|------------------|--|
| 218.106 | Amended | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.119 | New | 18 Ill. Reg. 10549 July 8, 1994 |
| 218.120 | New | 18 Ill. Reg. 10549 July 8, 1994 |
| 218.121 | Amended | 18 Ill. Reg. 10549 July 8, 1994 |
| 218.125 | New | 18 Ill. Reg. 10549 July 8, 1994 |
| 218.127 | New | 18 Ill. Reg. 10549 July 8, 1994 |
| 218.128 | New | 18 Ill. Reg. 10549 July 8, 1994 |
| 218.129 | New | 18 Ill. Reg. 10549 July 8, 1994 |
| 218.204 | Amended | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.205 | Amended | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.207 | Amended | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.208 | Amended | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.210 | Amended | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.212 | New | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.213 | New | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.214 | New | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.431 | New | 18 Ill. Reg. 15211 October 24, 1994 |

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

| | | |
|----------------|---------------------|--|
| 218.432 | New | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.433 | New | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.434 | New | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.435 | New | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.436 | New | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.520 | Renumbered, Amended | 18 Ill. Reg. 10549 July 8, 1994 |
| 218.522 | New | 18 Ill. Reg. 10549 July 8, 1994 |
| 218.523 | New | 18 Ill. Reg. 10549 July 8, 1994 |
| 218.524 | New | 18 Ill. Reg. 10549 July 8, 1994 |
| 218.686 | Amended | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.720 | New | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.722 | New | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.726 | New | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.727 | New | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.728 | New | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.729 | New | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.730 | New | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.966 | Amended | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.980 | Amended | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.Appendix C | Amended | 18 Ill. Reg. 10549 July 8, 1994 |
| 218.Appendix G | New | 18 Ill. Reg. 15211 October 24, 1994 |
| 218.Appendix H | New | 18 Ill. Reg. 15211 October 24, 1994 |

15) Summary and Purpose of Rule(s): A more complete description of this proposal is available in the Board's opinion and order of October 20, 1994 in R94-15 which is available from the address below. The proposed rule

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addresses marine vessel loading. This control measure is Phase II of the Agency's required submittal for its 15% reduction of volatile organic material plan which the Agency submitted to USEPA in November of 1993. Illinois is required to adopt these measures or face possible sanctions from USEPA. Specifically, these amendments set forth the control requirements for marine vessel loading as well as compliance certification requirements. The amendments add recordkeeping and reporting requirements as well as testing and monitoring requirements.

- 16) Information and questions regarding this adopted rule shall be directed to:

Marie E. Tipsord
100 W. Randolph Street
State of Illinois Center
Suite 11-500
Chicago, IL 60601
(312) 814-4925

The full text of the adopted rule(s) begins on the following page:

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

PART 218

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FOR THE CHICAGO AREA

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APPENDIX E: List of Affected Marine Terminals

AUTHORITY: Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act [415 ILCS 5/10 and 28.5].

SOURCE: Adopted in R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991; amended in R91-23 at 16 Ill. Reg. 13564, effective August 24, 1992; amended in R91-28 and R91-30 at 16 Ill. Reg. 13864, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16636, effective September 27, 1993; amended in R93-14 at 18 Ill. Reg. 1945, effective January 24, 1994; amended in R94-12 at 18 Ill. Reg. 14973, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 16393, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16393, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16393, effective September 21, 1994.

Reg. - 16393 effective OCT 25 1994

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, superscript number or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART A: GENERAL PROVISIONS

Section 218.101 Savings Clause

- a) Every owner or operator of an emission unit formerly subject to 35 Ill. Adm. Code Part 215 shall have complied with its standards and limitations by the dates and schedules applicable to the emission unit in accordance with 35 Ill. Adm. Code 215 or upon initial start-up. All compliance dates or schedules found in 35 Ill. Adm. Code 215 are not superseded by this Part and remain in full force and effect.
- b) Nothing in this Part shall affect the responsibility of any owner or operator that is now or has been subject to the FIP to comply with its requirements thereunder by the dates specified in the FIP.
- c) Nothing in this Part as it is amended from time to time shall relieve the owner or operator of a source subject to the requirements of this Part from the obligation to comply with the applicable requirements and compliance dates set forth in Section 218.106 of this Subpart or any specific schedules contained within the applicable Subparts of this Part even though those compliance dates may have been expressly superseded by subsequent amendments.

(Source: Amended at 18 Ill. Reg. 16393, effective OCT 25 1994)

Section 218.106 Compliance Dates

- a) Except as provided in Section 218.106(c) and (d) below or as otherwise

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provided in a specific Subpart of this Part, compliance with the requirements of this Part is required by July 1, 1991, or September 1, 1991, for all sources located in Cook, DuPage, Kane, Lake, McHenry, or Will Counties, consistent with the appropriate provisions of Section 218.103 of this Part.

b) Except as provided in Section 218.106 (c) and (d) below or as otherwise provided in a specific Subpart of this Part, compliance with the requirements of this Part is required by November 15, 1993, for all sources located in Aux Sable Township or Goose Lake Township in Grundy County, or in Oswego Township in Kendall County.

c) All emission units which meet the applicability requirements of 218.402(a)(2), 218.611(b), 218.620(b), 218.660(a), 218.680(a), 218.920(b), 218.940(b), 218.960(b) or 218.980(b) of this Part, including emission units at sources which are excluded from the applicability criteria of Sections 218.402(a)(1), 218.611(a), 218.620(a), 218.920(a), 218.940(a), 218.960(a), or 218.980(a) of this Part by virtue of permit conditions or other enforceable means, must comply with the requirements of Subparts H, Z, AA, CC, DD, PP, QQ, RR or TT of this Part, respectively, by March 15, 1995. Any owner or operator of an emission unit which has already met the applicability requirements of Sections 218.402(a)(1), 218.611(a), 218.620(a), 218.920(a), 218.940(a), 218.960(a), or 218.980(a) of this Part on or by the effective date of this subsection is required to comply with all compliance dates or schedules found in subsection (a) or (b) of this Section ~~Sections 218.106(a) or 218.106(b) above~~, as applicable.

d) As this Part is amended from time to time, compliance dates included in the specific Subparts supersede the requirements of this Section except as limited by Section 218.101(c) of this Subpart.

(Source: Amended at 18 Ill. Reg. 16392, effective July 25 1994)

SUBPART GG: MARINE TERMINALS

Section 218.760 Applicability

a) The requirements of this Subpart shall apply to sources that load or who are permitted to load gasoline or crude oil.

b) The requirements of this Subpart shall not apply to the following activities:

- 1) Loading of liquids associated with the fueling of marine vessels; or
- 2) The transfer of liquids from one marine vessel to another marine vessel.

(Source: Added at 18 Ill. Reg. 16392, effective Oct 25 1994)

Section 218.762 Control Requirements

a) Except as provided at subsection (c) of this Section, every owner or operator of a marine terminal subject to the requirements of this Subpart shall equip each terminal with a vapor collection and control system that:

- 1) Captures the vapors displaced during the loading event and reduces overall VOM emissions by at least 95% by weight through the use of either a vapor combustion system or a vapor recovery system;
- 2) Is maintained and operated so that it prevents visible liquid leaks, significant odors, and visible fumes in the liquid transfer and the vapor collection lines, and apertures during loading; and
- 3) Has been certified as required by Coast Guard regulations found at 33 CFR 154.

b) From May 1 to September 15, the regulatory control period, every owner or operator of a marine terminal subject to the requirements of this Subpart shall load gasoline or crude oil only into marine vessels that are:

- 1) Equipped with vapor collection equipment that has been certified as required by Coast Guard regulations found at 46 CFR 39;
- 2) Connected to the vapor collection system; and
- 3) Vapor-tight as described in the following subsections (b)(3)(A), (b)(3)(B), (b)(3)(C), or (b)(3)(D) of this Section:
 - A) The owner or operator of the marine terminal shall load each marine vessel with a vacuum assisted vapor collection system, instrumented in such a way that the pump(s) transferring gasoline or crude oil to the marine vessel will not operate unless the vapor collection system is properly connected and properly operating.

B) As an alternative to subsection (b)(3)(A) of this Section, the owner or operator of the marine terminal shall obtain documentation as described in Section 218.770(b) of this Subpart that the marine vessel has been vapor-tightness tested within either the preceding 12 months or the preceding 14 months, if the test is being conducted as part of the Coast Guard's reinspection of the vessel required under 46 CFR 31.10-17, using Method 21 of Part 60, Appendix A, incorporated by reference at Section 218.112 of this Part, as described in Section 218.768(b) of this Subpart.

C) If there is no documentation of a successful leak test conducted on the marine vessel in either the preceding 12 months or in the preceding 14 months, if the test is being conducted as part of the Coast Guard's reinspection of the vessel required under 46 CFR 31.10-17, the owner or operator of the marine terminal shall require that a leak test of the marine vessel be conducted during the final 20 percent of loading of the marine vessel or shall not load the vessel. The test shall be conducted when the marine vessel is being loaded at the maximum liquid transfer rate for that transfer

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operation. The owner or operator of the marine terminal shall require that the documentation described in Section 218.770(b) of this Subpart is completed prior to the departure of the vessel.

- D) If the marine vessel has failed its most recent vapor-tightness leak test at the marine terminal, before the marine vessel can be loaded, the owner or operator of the marine terminal shall require that the owner or operator of the marine vessel provide documentation that the leaks detected during the previous vapor-tightness leak test have been repaired and that the marine vessel has been vapor-tightness tested since the leak(s) has been repaired pursuant to subsection (b)(3)(B) of this Section.

- c) As an alternative to the control requirements of subsection (a) and (b) of this Section, an owner or operator of a marine terminal subject to the control requirements of this Subpart may comply by showing:

- 1) Operation of a vapor collection and control system for the loading of gasoline or crude oil from marine vessels in accordance with the regulations adopted by the USEPA pursuant to Sections 112(d) or 183(f) of the CAA;
- 2) Reduction of VOC emissions equivalent to the levels in Appendix E of this Part through a federally enforceable emission reduction plan; or
- 3) An alternate procedure to those described that has been approved by the Agency and the USEPA in a federally enforceable permit or as a SIP revision.

- d) Nothing in this Subpart shall supersede any U.S. Coast Guard regulation that is more stringent than that contained in this Subpart.

(Source: Added 5/1994, 18 Ill. Reg. 16392, effective 6/1/94)

Section 218.764 Compliance Certification

By May 1, 1996, or upon initial startup or upon change in method of compliance, the owner or operator of a source subject to the requirements of this Subpart must certify compliance with the requirements of this Subpart by submitting to the Agency the following:

- a) If complying with Sections 218.762(a) and (b), or (c)(1), or (c)(3) of this Subpart:
 - 1) The type of vapor collection and control system utilized;
 - 2) The date the system was installed;
 - 3) A demonstration that the vapor collection and control system achieves an overall efficiency of 95%;
 - 4) A copy of the U.S. Coast Guard certification required under 33 CFR 154; and
 - 5) The location (including the contact person's name, address, and telephone number) of the records required by Section 218.770 of this Subpart.

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- b) If complying with Section 218.762(c)(2) of this Subpart, a federally enforceable emission reduction plan.
- c) If not loading during the 1996 regulatory control period or the 1996 and 1997 regulatory control periods, a statement that the source will not be loading gasoline or crude oil, the regulatory control period affected, and a date certain when the requirements of subsection (a) above will be met. Further, if the owner or operator is also required to comply with the control requirements for marine vessel loading adopted pursuant to Section 112(d) or Section 183(f) of the CAA, then the above statement of not loading may extend to subsequent regulatory control periods until installation and operation of the control equipment is required under Section 112(d) or Section 183(f) of the CAA.

(Source: Added at 18 Ill. Reg. 16392, effective 6/1/94)

Section 218.766 Leaks

The owner or operator of a marine terminal shall comply with the requirements of Section 218.445 of this Part with respect to all equipment associated with the vapor collection and control system required by Section 218.762(a) of this Subpart.

(Source: Added 5/1994, 18 Ill. Reg. 16392, effective 6/1/94)

Section 218.768 Testing and Monitoring

- a) Compliance with Section 218.762(a)(2) of this Subpart shall be determined by visual inspection and by the leak detection methods contained in Section 218.105(g) of this Part.
- b) If the control device used to comply with Section 218.762(a)(1) of this Subpart is a flare, compliance shall be determined by methods described in Section 218.429(c) of this Part.
- c) For all other control devices used to comply with Section 218.762(a)(1) of this Subpart, compliance shall be determined by methods described in Section 218.105(d) and (f) of this Part.
- d) Compliance with Section 218.762(b)(3) of this Subpart shall be determined by one of the methods described in this Section:
 - 1) A marine vessel loaded in accordance with Section 218.762(b)(3)(A) of this Subpart through the use of a vacuum assisted vapor collection system is assumed to be vapor-tight for the purposes of this Subpart.
 - 2) A vapor-tightness test for marine vessels shall be conducted to include the final 20 percent of loading of each product tank of the marine vessel, and it shall be applied to any potential sources of vapor leaks on the vessel pursuant to Method 21 of 40 CFR 60, Appendix A, incorporated by reference at Section 218.112

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of this Part. A reading of 10,000 ppmv or greater as methane shall constitute a leak.

- 3) As an alternative to subsection (d)(2) of this Section, an owner or operator of a marine terminal may use the vapor-tightness test described in 40 CFR 61.304(f), incorporated by reference at Section 218.112 of this Part.

- e) When in the opinion of the Agency or USEPA it is necessary to conduct testing to demonstrate compliance with or verify effectiveness of the vapor collection and control system required by Section 218.762(a), (c)(1), or (c)(3) of this Subpart, the owner or operator of a marine terminal shall, at its own expense, conduct such test in accordance with the applicable test methods and procedures specified in subsections (a), (b), or (c) of this Section, as applicable.

- f) An owner or operator of a marine terminal planning to conduct a VOM emissions test to demonstrate compliance with Sections 218.762(a), (c)(1), or (c)(3) of this Subpart shall notify the Agency of that intent not less than 30 days before the planned initiation of the tests so that the Agency may observe the test.

(Source: Added at 18 Ill. Reg. **16392**, effective
Oct 2 5 1994)

Section 218.770 Recordkeeping and Reporting

- a) The owner or operator of sources complying with Sections 219.762(a) and (b), or (c)(1), or (c)(3) of this Subpart shall maintain records regarding the marine terminal, and each time a marine vessel is loaded during the regulatory control period. The records shall include but are not limited to:

- 1) The date(s) and the time(s) at which the marine vessel was loaded from the marine terminal;
- 2) The name, type, identification number, and owner of the vessel loaded;
- 3) The type and amount of liquid loaded into the marine vessel;
- 4) Records of any leaks found, repair attempts, and the results of the required fugitive monitoring and maintenance program, including appropriate dates, test methods, instrument readings, repair results, and corrective action taken as required by Sections 218.762(a)(2) and 218.766 of this Subpart;
- 5) A copy of the Coast Guard certification demonstrating that the marine terminal's vapor collection and control system has been certified as required by Coast Guard regulations found at 33 CFR 154; and
- 6) A copy of the Coast Guard certification demonstrating that the marine vessel has been inspected and certified as required by Coast Guard regulations found at 46 CFR 39. If a copy of the Coast Guard certificate is not available at the time of loading, then the date that the marine vessel was last inspected and the authorization that the marine vessel has functioning vapor

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control equipment must be recorded from the certification. Further, a copy of the certificate must be obtained by the owner or operator of the marine terminal within 21 days after the loading event.

- b) Owners or operators complying with Sections 218.762(b)(3)(B), (b)(3)(C), or (b)(3)(D) shall additionally maintain the following records concerning the vapor-tightness of the marine vessel:

- 1) Test title;
- 2) Owner of the marine vessel tested;
- 3) The identification number of the marine vessel tested;
- 4) Testing location;
- 5) Tester name and signature;
- 6) Witnessing inspector, name, signature, and affiliation; and
- 7) Test results.

- c) Owners or operators complying with the requirements of Section 218.762(c)(2) of this Subpart shall maintain records of daily product volumes loaded to demonstrate that the applicable emission reduction specified in Appendix E of this Part has been achieved.

- d) Owners or operators certifying compliance under Section 218.764(c) shall maintain the records specified in subsections (a)(1), (a)(2), and (a)(3) above.

- e) All records required by subsections (a), (b), (c), and (d) of this Section shall be maintained for at least three years and shall be made available to the Agency upon request.

(Source: Added at 18 Ill. Reg. **16392**, effective
Oct 2 5 1994)

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

Section 218.920 Applicability

- a) Maximum theoretical emissions:

- 1) A source is subject to this Subpart if it contains process emission units not regulated by Subparts B, E, F (excluding Section 218.204(1)), H (excluding Section 218.405), O, R, S, T, (excluding Section 218.486) V, X, Y, Z or BB of this Part, which as a group both:
 - A) Have maximum theoretical emissions of 90.7 Mg (100 tons) or more per calendar year of VOM, and
 - B) Are not limited to less than 90.7 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment, through production or capacity limitations contained in a federally enforceable permit or a SIP revision.

- 2) If a source is subject to this Subpart as provided above, the requirements of this Subpart shall apply to a source's miscellaneous fabricated product manufacturing process emission units which are not included within any of the categories

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specified in Subparts B, E, F, H, Q, R, S, T, V, X, Y, Z, AA, or BB of this part.

b) Potential to emit:

- 1) A source is subject to this Subpart if it has the potential to emit 22.7 Mg (25 tons) or more of VOM per year, in aggregate, from emission units that are:

- A) Not regulated by Subparts B, E, F, H, Q, R, S, T (excluding Section 218.486), V, X, Y, Z, or BB of this Part, or
- B) Not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, wood furniture, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.

- 2) If a source is subject to this Subpart as provided above, the requirements of this Subpart shall apply to a source's miscellaneous fabricated product manufacturing process emission units, which are:

- A) Not included within any of the categories specified in Subparts B, E, F, H, Q, R, S, T, V, X, Y, Z, AA, BB, ~~BB~~ CC, or ~~EE~~ DD of this Part, or
- B) Not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, wood furniture, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.

- c) If a ~~source~~ source ceases to fulfill the criteria of subsections (a) and/or (b) above, the requirements of this Subpart shall continue to apply to a miscellaneous fabricated products manufacturing process emission unit which was ~~ever~~ subject to the control requirements of Section 218.926 of this Part.

- d) No limits under this Subpart shall apply to emission units with emissions of VOM to the atmosphere less than or equal to 0.91 Mg (1.0 ton) per calendar year if the total emissions from such emission units not complying with Section 218.926 of this Part does not exceed 4.5 Mg (5.0 tons) per calendar year, provided that this provision shall not apply to an emission unit which is a leather coating line or operation at a source where the criteria of Section 218.920(a) above are not met.

- e) For the purposes of this Subpart, an emission unit shall be considered regulated by a Subpart if it is subject to the limits of that Subpart. An emission unit is considered not regulated by a Subpart if it is not subject to the limits of that Subpart, e.g., the emission unit is covered by an exemption in the Subpart or the applicability criteria of the Subpart are not met.

- f) For the purposes of this Subpart, VOM emissions in the absence of air

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pollution control equipment are the emissions of VOM which would result if no air pollution control equipment were used.

- g) The control requirements in Subpart PP shall not apply to sewage treatment plants; vegetable oil extraction and processing; coke ovens (including by-product recovery plants); fuel combustion units; bakeries; barge loading facility; jet engine test cells; production of polystyrene foam insulation board including storage and extrusion of scrap where blowing agent is added to the polystyrene resin at the source, but not including blending and preliminary expansion of resin prior to molding where blowing agent is incorporated into the polystyrene resin by the producer of the resin; production of polystyrene foam packaging not including blending and preliminary expansion of resin prior to molding where blowing agent is incorporated into the polystyrene resin by the producer of the resin and not including storage and extrusion of scrap where blowing agent is added to the polystyrene resin at the source; and iron and steel production.

(Source: Amended 18 Ill. Reg. 16392, effective OCT 25 1994)

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

Section 218.960 Applicability

- a) Maximum theoretical emissions:

- 1) A source is subject to this Subpart if it contains process emission units not regulated by Subparts B, E, F (excluding Section 218.204(1)), H (excluding Section 218.405), Q, R, S, T, (excluding Section 218.486) V, X, Y, Z or BB of this Part, which as a group both:

- A) Have maximum theoretical emissions of 90.7 Mg (100 tons) or more per calendar year of VOM, and
- B) Are not limited to less than 90.7 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment through production or capacity limitations contained in a federally enforceable permit or a SIP revision.

- 2) If a source is subject to this Subpart as provided above, the requirements of this Subpart shall apply to a source's miscellaneous organic chemical manufacturing process emission units which are not included within any of the categories specified in Subparts B, E, F, H, Q, R, S, T, V, X, Y, Z, AA, or BB of this ~~part~~ Part.

- b) Potential to emit:

- 1) A source is subject to this Subpart if it has the potential to emit 22.7 Mg (25 tons) or more of VOM per year, in aggregate, from emission units other than VOM leaks from components that are:

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- A) Not regulated by Subparts B, E, F, H, Q, R, S, T (excluding Section 218.486), V, X, Y, Z, or BB of this Part, or
- B) Not included in one of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, wood furniture, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.
- 2) If a source is subject to this Subpart as provided above, the requirements of this Subpart shall apply to a source's miscellaneous organic chemical manufacturing process emission units which are:
- A) Not included within the categories specified in Subparts B, E, F, H, Q, R, S, T, V, X, Y, Z, AA, BB, CC, or DD of this Part, or
- B) Not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, wood furniture, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.
- c) If a source ceases to fulfill the criteria of subsections (a) and/or (b) above, the requirements of this Subpart shall continue to apply to a miscellaneous organic chemical manufacturing process emission unit which was subject to the control requirements of Section 218.966 of this Part.
- d) No limits under this Subpart shall apply to emission units with emissions of VOM to the atmosphere less than or equal to 0.91 Mg (1.0 ton) per calendar year if the total emissions from such emission units not complying with Section 218.966 of this Part does not exceed 4.5 Mg (5.0 tons) per calendar year.
- e) For the purposes of this Subpart, an emission unit shall be considered regulated by a Subpart if it is subject to the limits of that Subpart. An emission unit is considered not regulated by a Subpart if it is not subject to the limits of that Subpart, e.g., the emission unit is covered by an exemption in the Subpart or the applicability criteria of the Subpart are not met.
- f) For the purposes of this Subpart, VOM emissions in the absence of air pollution control equipment are the emissions of VOM which would result if no air pollution control equipment were used.
- g) The control requirements in Subpart RR shall not apply to sewage treatment plants; vegetable oil extraction and processing; coke ovens (including by-product recovery plants); fuel combustion units; bakeries; barge loading facility; jet engine test cells; production of polystyrene foam insulation board, including storage and extrusion of scrap where blowing agent is added to the polystyrene resin at the source, but not including blending and preliminary expansion of resin

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prior to molding where blowing agent is incorporated into the polystyrene resin by the producer of the resin; production of polystyrene foam packaging not including blending and preliminary expansion of resin prior to molding where blowing agent is incorporated into the polystyrene resin by the producer of the resin and not including storage and extrusion of scrap where blowing agent is added to the polystyrene resin at the source; and iron and steel production.

(Source: Amended at 18 Ill. Reg. 16393, effective OCT 25 1994)

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SUBPART UU: RECORDKEEPING AND REPORTING

Section 218.APPENDIX E List of Affected Marine Terminals

The following table identifies the expected volatile organic material (VOM) emission reductions, in pounds per day in 1996, from the control of the marine vessel loading of gasoline and crude oil from the listed sources, their successors and assigns. Such reduction of VOM emissions must occur after November 1990 and may not include reductions resulting from compliance with any federally required controls or from any measures included in any State Implementation Plan adopted by the State of Illinois to satisfy any other Clean Air Act requirement.

| Facility | Permit/Source | Reduction |
|---|---------------|-----------|
| Mobil-Joliet Refining Corp. Facility ID# 197800AAA | 88010021045 | 1,595 |
| Texaco Refining Facility ID # 197810AAA | 84050048007 | 541 |
| UNO-VEN Company Facility ID # 197090AAI | 88010019055 | 549 |

(Source: Added at 18 Ill. Reg. 1632.4, effective

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- 1) Heading of the Part: Organic material Emission Standard and Limitations for the Metro East Area.

2) Code Citation: 35 Ill. Adm. Code 219

| Section Number: | Adopted Action: |
|-----------------|-----------------|
| 219.101 | Amended |
| 219.106 | Amended |
| 219.760 | New |
| 219.762 | New |
| 219.764 | New |
| 219.766 | New |
| 219.768 | New |
| 219.770 | New |
| 219.Appendix E | New |

4) Statutory Authority: 415 ILCS 5/27.

5) Effective Date of Rule(s) (Amendments, Repealer): October 25, 1994

6) Does this rulemaking contain an automatic repeal date:

No.

If so, please specify date: _____

7) Does this rule (amendment, repealer) contain incorporation by reference? No.

If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking? No approval from JCAR was necessary as all the incorporation are pursuant to Section 6.02(a) of the Illinois Administrative Procedure Act.

8) Date Filed in Agency's Principal Office: October 20, 1994.

9) Notice(s) of Proposal Published in Illinois Register: 18 Ill. Reg. 9272, June 24, 1994.

10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? If answer is "yes," please complete the following: No.

A) Statement of Objection: _____, Ill. Reg. _____

B) Agency Response: _____, Ill. Reg. _____

C) Date Agency Response Submitted for Approval to JCAR:

11) Difference(s) between proposal and final version:

After the Source Note add "BOARD NOTE: This Part implements the Environmental Protection Act as of July 1, 1994."

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In Section 219.762(b), after "September 15" the phrase "the regulatory control period" should be added.

In Section 219.762(b)(3), "Is vapor-tight" is changed to "Is ~~vapor-tight~~" and "the following" is added after "described in".

In Section 219.762(b)(3)(B), the word "either" is added between "within" and "the" and "or the preceding 14 months, if the test is being conducted as part of the Coast Guard's reinspection of the vessel required under 46 CFR 31.10-17," is added after "12 months". Also, "Section 219.768(e)(2)" is changed to "Section 219.768(b)".

In Section 219.762(b)(3)(C), "either" is added after "in" and before "the" and "or the preceding 14 months, if the test is being conducted as part of the Coast Guard's reinspection of the vessel required under 47 CFR 31.10-17" is added after "months" and before the comma.

In Section 219.764(b), "enforceable" will be moved to after "federally" and before "emission".

In Section 219.764, the following new subsection is added:

C) If not loading during the 1996 regulatory control period or the 1996 and 1997 regulatory control periods, a statement that the source will not be loading gasoline or crude oil, the regulatory control period affected, and a date certain when the requirements of subsection (a) above will be met. Further, if the owner or operator is also required to comply with the control requirements for marine vessel loading adopted pursuant to Section 112(d) or Section 183(f) of the CAA, then the above statement of not loading may extend to subsequent regulatory control periods until installment and operation of the control equipment is required under Section 112(d) or Section 183(f) of the CAA.

In Section 219.768(d), "Section 219.762(b)(4)" is changed to "Section 219.762(b)(3)".

In Section 219.762(d)(1), "219.762(b)(2)(a)" is changed to "219.762(b)(3)(A)".

In Section 219.768(d)(3), "an" is added before "alternative".

In Section 219.770, a comma is added after "marine terminal" and "during the regulatory control period" is added after "loaded".

In Section 219.770(a)(6), "If a copy of the Coast Guard certificate is not available at the time of loading, then the date that the marine vessel was last inspected and the authorization that the marine vessel has functioning vapor control equipment must be recorded from the certificate. Further, a copy of the certificate must be obtained by the owner or operator of the marine terminal within 21 days of the loading event" is added after "46 CFR 39".

In Section 219.770(c) "have" will be changed to "has".

In Section 219.770 a new subsection d is added which reads:

d) Owners or operators certifying compliance under Section 218.764(c) shall maintain the records specified in subsections (a)(1), (a)(2), and (a)(3) above.

and the remainder of the section is renumbered.

In Section 219.770(e), "subsections (a), (b), and (c)" are changed to

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read: "(a), (b), (c), and (d)".

In the Section Source Notes, the phrase "in R94-15" will be deleted. Sections 219.920, 219.940, 219.960 and 219.980 will not be adopted as the proposed amendment was deemed unnecessary at this time.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? Yes.

| Section Numbers: | Proposed Action: | Ill. Reg. Citation: |
|------------------|------------------|--|
| 219.119 | New | 18 Ill. Reg. 10584 July 8, 1994 |
| 219.120 | New | 18 Ill. Reg. 10584 July 8, 1994 |
| 219.121 | Amended | 18 Ill. Reg. 10584 July 8, 1994 |
| 219.125 | New | 18 Ill. Reg. 10584 July 8, 1994 |
| 219.127 | New | 18 Ill. Reg. 10584 July 8, 1994 |
| 219.128 | New | 18 Ill. Reg. 10584 July 8, 1994 |
| 219.129 | New | 18 Ill. Reg. 10584 July 8, 1994 |
| 219.204 | Amended | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.205 | Amended | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.207 | Amended | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.208 | Amended | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.210 | Amended | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.212 | New | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.213 | New | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.214 | New | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.431 | New | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.432 | New | 18 Ill. Reg. 15274 October 14, 1994 |

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| | | |
|----------------|---------------------|--|
| 219.433 | New | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.434 | New | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.435 | New | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.436 | New | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.520 | Renumbered, Amended | 18 Ill. Reg. 10584 July 8, 1994 |
| 219.522 | New | 18 Ill. Reg. 10584 July 8, 1994 |
| 219.523 | New | 18 Ill. Reg. 10584 July 8, 1994 |
| 219.524 | New | 18 Ill. Reg. 10584 July 8, 1994 |
| 219.720 | New | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.722 | New | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.726 | New | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.727 | New | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.728 | New | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.729 | New | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.730 | New | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.926 | Amended | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.946 | Amended | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.966 | Amended | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.980 | Amended | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.986 | Amended | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.Appendix C | Amended | 18 Ill. Reg. 10584 July 8, 1994 |
| 219.Appendix G | New | 18 Ill. Reg. 15274 October 14, 1994 |
| 219.Appendix H | New | 18 Ill. Reg. 15274 October 14, 1994 |

15) Summary and Purpose of Rule(s): A more complete description of this proposal is available in the Board's opinion and order of October 20, 1994

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in R94-15 which is available from the address below. The proposed rule addresses marine vessel loading. This control measure is Phase II of the Agency's required submittal for its 15% reduction of volatile organic material plan which the Agency submitted to USEPA in November of 1993. Illinois is required to adopt these measures or face possible sanctions from USEPA. Specifically, these amendments set forth the control requirements for marine vessel loading as well as compliance certification requirements. The amendments add recordkeeping and reporting requirements as well as testing and monitoring requirements.

16) Information and questions regarding this adopted rule shall be directed to:

Marie E. Tipsord
100 W. Randolph Street
State of Illinois Center
Suite 11-500
Chicago, IL 60601
(312) 814-4925

The full text of the adopted rule(s) begins on the following page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 219

ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
FOR THE METRO EAST AREA

SUBPART A: GENERAL PROVISIONS

| Section | Control |
|---------|---|
| 219.100 | Introduction |
| 219.101 | Savings Clause |
| 219.102 | Abbreviations and Conversion Factors |
| 219.103 | Applicability |
| 219.104 | Definitions |
| 219.105 | Test Methods and Procedures |
| 219.106 | Compliance Dates |
| 219.107 | Operation of Afterburners |
| 219.108 | Exemptions, Variations, and Alternative Means of Control or Compliance Determinations |
| 219.109 | Vapor Pressure of Volatile Organic Liquids |
| 219.110 | Vapor Pressure of Organic Material or Solvents |
| 219.111 | Vapor Pressure of Volatile Organic Material |
| 219.112 | Incorporations by Reference |
| 219.113 | Monitoring for Negligibly-Reactive Compounds |

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

| Section | Control |
|---------|--------------------------------|
| 219.121 | Storage Containers |
| 219.122 | Loading Operations |
| 219.123 | Petroleum Liquid Storage Tanks |
| 219.124 | External Floating Roofs |
| 219.125 | Compliance Dates (Repealed) |
| 219.126 | Compliance Plan (Repealed) |

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

| Section | Control |
|---------|-----------------------|
| 219.141 | Separation Operations |
| 219.142 | Pumps and Compressors |
| 219.143 | Vapor Blowdown |
| 219.144 | Safety Relief Valves |

SUBPART E: SOLVENT CLEANING

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| Section | Control |
|---------|--------------------------------|
| 219.181 | Solvent Cleaning in General |
| 219.182 | Cold Cleaning |
| 219.183 | Open Top Vapor Degreasing |
| 219.184 | Conveyorized Degreasing |
| 219.185 | Compliance Schedule (Repealed) |
| 219.186 | Test Methods |

SUBPART F: COATING OPERATIONS

| Section | Control |
|---------|--|
| 219.204 | Emission Limitations |
| 219.205 | Daily-Weighted Average Limitations |
| 219.206 | Solids Basis Calculation |
| 219.207 | Alternative Emission Limitations |
| 219.208 | Exemptions from Emission Limitations |
| 219.209 | Exemption from General Rule on Use of Organic Material |
| 219.210 | Compliance Schedule |
| 219.211 | Recordkeeping and Reporting |

SUBPART G: USE OF ORGANIC MATERIAL

| Section | Control |
|---------|------------------------------------|
| 219.301 | Use of Organic Material |
| 219.302 | Alternative Standard |
| 219.303 | Fuel Combustion Emission Units |
| 219.304 | Operations with Compliance Program |

SUBPART H: PRINTING AND PUBLISHING

| Section | Control |
|---------|--|
| 219.401 | Flexographic and Rotogravure Printing |
| 219.402 | Applicability |
| 219.403 | Compliance Schedule |
| 219.404 | Recordkeeping and Reporting |
| 219.405 | Heatset-Web-Offset Lithographic Printing |

SUBPART Q: LEAKS FROM SYNTHETIC ORGANIC CHEMICAL AND POLYMER
MANUFACTURING PLANT

| Section | Control |
|---------|-----------------------------------|
| 219.421 | General Requirements |
| 219.422 | Inspection Program Plan for Leaks |
| 219.423 | Inspection Program for Leaks |
| 219.424 | Repairing Leaks |
| 219.425 | Recordkeeping for Leaks |
| 219.426 | Report for Leaks |
| 219.427 | Alternative Program for Leaks |
| 219.428 | Open-ended Valves |

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219.429 Standards for Control Devices
219.430 Compliance Date (Repealed)

SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES;
ASPHALT MATERIALS

Section
219.441 Petroleum Refinery Waste Gas Disposal
219.442 Vacuum Producing Systems
219.443 Wastewater (Oil/Water) Separator
219.444 Process Unit Turnarounds
219.445 Leaks: General Requirements
219.446 Monitoring Program Plan for Leaks
219.447 Monitoring Program for Leaks
219.448 Recordkeeping for Leaks
219.449 Reporting for Leaks
219.450 Alternative Program for Leaks
219.451 Sealing Device Requirements
219.452 Compliance Schedule for Leaks
219.453 Compliance Dates (Repealed)

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Section
219.461 Manufacture of Pneumatic Rubber Tires
219.462 Green Tire Spraying Operations
219.463 Alternative Emission Reduction Systems
219.464 Emission Testing
219.465 Compliance Dates (Repealed)
219.466 Compliance Plan (Repealed)

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section
219.480 Applicability
219.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
219.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters
219.483 Material Storage and Transfer
219.484 In-Process Tanks
219.485 Leaks
219.486 Other Emission Units
219.487 Testing
219.488 Monitoring for Air Pollution Control Equipment
219.489 Recordkeeping for Air Pollution Control Equipment

SUBPART V: AIR OXIDATION PROCESSES

Section
219.521 Definitions (Repealed)
219.525 Emission Limitations for Air Oxidation Processes
219.526 Testing and Monitoring
219.527 Compliance Date (Repealed)

SUBPART W: AGRICULTURE

Section
219.541 Pesticide Exception

SUBPART X: CONSTRUCTION

Section
219.561 Architectural Coatings
219.562 Paving Operations
219.563 Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

Section
219.581 Bulk Gasoline Plants
219.582 Bulk Gasoline Terminals
219.583 Gasoline Dispensing Operations - Storage Tank Filling Operations
219.584 Gasoline Delivery Vessels
219.585 Gasoline Volatility Standards
219.586 Gasoline Dispensing Operations - Motor Vehicle Fueling Operations (Repealed)

SUBPART Z: DRY CLEANERS

Section
219.601 Perchloroethylene Dry Cleaners
219.602 Exemptions
219.603 Leaks
219.604 Compliance Dates (Repealed)
219.605 Compliance Plan (Repealed)
219.606 Exception to Compliance Plan (Repealed)
219.607 Standards for Petroleum Solvent Dry Cleaners
219.608 Operating Practices for Petroleum Solvent Dry Cleaners
219.609 Program for Inspection and Repair of Leaks
219.610 Testing and Monitoring
219.611 Exemption for Petroleum Solvent Dry Cleaners
219.612 Compliance Dates (Repealed)
219.613 Compliance Plan (Repealed)

SUBPART AA: PAINT AND INK MANUFACTURING

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219.947 Compliance Schedule
219.948 Testing

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

Section
219.960 Applicability
219.963 Permit Conditions
219.966 Control Requirements
219.967 Compliance Schedule
219.968 Testing

SUBPART TT: OTHER EMISSION UNITS

Section
219.980 Applicability
219.983 Permit Conditions
219.986 Control Requirements
219.987 Compliance Schedule
219.988 Testing

SUBPART UU: RECORDKEEPING AND REPORTING

Section
219.990 Exempt Emission Units
219.991 Subject Emission Units

APPENDIX A List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
APPENDIX B VOM Measurement Techniques for Capture Efficiency
APPENDIX C Reference Test Methods For Air Oxidation Processes
APPENDIX D Coefficients for the Total Resource Effectiveness Index (TRE) Equation
APPENDIX E List of Affected Marine Terminals

AUTHORITY: Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act [415 ILCS 5/10 and 28.5].

SOURCE: Adopted in R91-8 at 15 Ill. Reg. 12491, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13597, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13883, effective August 24, 1992; emergency amendment in R93-12 at 17 Ill. Reg. 8295, effective May 24, 1993, for a maximum of 150 days; amended in R93-9 at 17 Ill. Reg. 16918, effective September 27, 1993 and October 21, 1993; amended in R93-28 at 18 Ill. Reg. 4242, effective March 3, 1994; amended in R94-12 at 18 Ill. Reg. 14987, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. _____, effective _____, amended in R94-15 at 18 Ill. Reg. **16415**, effective **OCT 25 1994**.

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219.620 Applicability
219.621 Exemption for Waterbase Material and Heatset-Offset Ink
219.623 Permit Conditions
219.624 Open-Top Mills, Tanks, Vats or Vessels
219.625 Grinding Mills
219.626 Storage Tanks
219.628 Leaks
219.630 Clean Up
219.636 Compliance Schedule
219.637 Recordkeeping and Reporting

SUBPART BB: POLYSTYRENE PLANTS

Section
219.640 Applicability
219.642 Emissions Limitation at Polystyrene Plants
219.644 Emissions Testing

SUBPART GG: MARINE TERMINALS

Section
219.760 Applicability
219.762 Control Requirements
219.764 Compliance Certification
219.766 Leaks
219.768 Testing and Monitoring
219.770 Recordkeeping and Reporting
219.875 Applicability of Subpart BB (Renumbered)
219.877 Emissions Limitation at Polystyrene Plants (Renumbered)
219.879 Compliance Date (Repealed)
219.881 Compliance Plan (Repealed)
219.883 Special Requirements for Compliance Plan (Repealed)
219.886 Emissions Testing (Renumbered)

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

Section
219.920 Applicability
219.923 Permit Conditions
219.926 Control Requirements
219.927 Compliance Schedule
219.928 Testing

SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

Section
219.940 Applicability
219.943 Permit Conditions
219.946 Control Requirements

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NOTE: In this Part superscript numbers or letters are denoted by parentheses, subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

SUBPART A: GENERAL PROVISIONS

Section 219.101 Savings Clause

- a) Every owner or operator of an emission unit formerly subject to 35 Ill. Adm. Code 215 shall have complied with its standards and limitations by the dates and schedules applicable to the emission unit in accordance with Part 215 or upon initial start-up. All compliance dates or schedules found in Part 215 are not superseded by this Part and remain in full force and effect.
- b) Nothing in this Part as it is amended from time to time shall relieve the owner or operator of a source subject to the requirements of this Part of the obligation to have complied with applicable requirements by the compliance dates set forth in Section 219.106 of this Subpart or in specific Subparts of this Part even though those compliance dates have been superseded by subsequent amendments.

(Source: Amended at 18 Ill. Reg. 16415, effective OCT 25 1994)

Section 219.106 Compliance Dates

- a) Except as provided in subsection (b) below, compliance ~~compliance~~ with the requirements of ~~all rules~~ this Part is required by May 15, 1992, consistent with the provisions of Section 219.103 of this Part.
- b) As this Part is amended from time to time, compliance dates included in the specific Subparts supersede the requirements of this Section except as limited by Section 219.101(b) of this Subpart.

(Source: Amended OCT 25 1994, 18 Ill. Reg. 16415, effective OCT 25 1994)

SUBPART GG: MARINE TERMINALS

Section 219.760 Applicability

- a) The requirements of this Subpart shall apply to sources that load or who are permitted to load gasoline or crude oil.
- b) The requirements of this Subpart shall not apply to the following activities:

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- 1) Loading of liquids associated with the fueling of marine vessels; or
- 2) The transfer of liquids from one marine vessel to another marine vessel.

(Source: Added at 18 Ill. Reg. 16415, effective OCT 25 1994)

Section 219.762 Control Requirements

- a) Except as provided at subsection (c) of this Section, every owner or operator of a marine terminal subject to the requirements of this Subpart shall equip each terminal with a vapor collection and control system that:
- 1) Captures the vapors displaced during the loading event and reduces overall VOM emissions by at least 95% by weight through the use of either a vapor combustion system or a vapor recovery system;
- 2) Is maintained and operated so that it prevents visible liquid leaks, significant odors, and visible fumes in the liquid transfer and the vapor collection lines, and apertures during loading; and
- 3) Has been certified as required by Coast Guard regulations found at 33 CFR 154.
- b) From May 1 to September 15, the regulatory control period, every owner or operator of a marine terminal subject to the requirements of this Subpart shall load gasoline or crude oil only into marine vessels that are:

- 1) Equipped with vapor collection equipment that has been certified as required by Coast Guard regulation found at 46 CFR 39;
- 2) Connected to the vapor collection system; and
- 3) Vapor-tight as described in the following subsections (b)(3)(A), (b)(3)(B), (b)(3)(C), or (b)(3)(D) of this Section:
- A) The owner or operator of the marine terminal shall load each marine vessel with a vacuum assisted vapor collection system, instrumented in such a way that the pump(s) transferring gasoline or crude oil to the marine vessel will not operate unless the vapor collection system is properly connected and properly operating.
- B) As an alternative to subsection (b)(3)(A) of this Section, the owner or operator of the marine terminal shall obtain documentation as described in Section 219.770(b) of this Subpart that the marine vessel has been vapor-tightness tested within either the preceding 12 months or the preceding 14 months, if the test is being conducted as part of the Coast Guard's reinspection of the vessel required under 46 CFR 31.10-17 using Method 21 of Part 60, Appendix A, incorporated by reference at Section 219.112 of this Part, as described in Section 219.768(b) of this Subpart.

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C) If there is no documentation of a successful leak test conducted on the marine vessel in either the preceding 12 months or the preceding 14 months, if the test is being conducted as part of the Coast Guard's reinspection of the vessel required under 47 CFR 31.10-17, the owner or operator of the marine terminal shall require that a leak test of the marine vessel be conducted during the final 20 percent of loading of the marine vessel or shall not load the vessel. The test shall be conducted when the marine vessel is being loaded at the maximum liquid transfer rate for that transfer operation. The owner or operator of the marine terminal shall require that the documentation described in Section 219.770(b) of this Subpart is completed prior to departure of the vessel.

D) If the marine vessel has failed its most recent vapor-tightness leak test at the marine terminal, before the marine vessel can be loaded, the owner or operator of the marine terminal shall require that the owner or operator of the marine vessel provide documentation that the leaks detected during the previous vapor-tightness leak test have been repaired and that the marine vessel has been vapor-tightness tested since the leak(s) has been repaired pursuant to subsection (b)(3)(B) of this Section.

C) As an alternative to the control requirements of subsections (a) and (b) of this Section, an owner or operator of a marine terminal subject to the control requirements of this Subpart may comply by showing:

1) Operation of a vapor collection and control system for the loading of gasoline or crude oil from marine vessels in accordance with the regulations adopted by the USEPA pursuant to Sections 112(d) or 183(f) of the CAA;

2) Reduction of VOM emissions equivalent to the levels in Appendix E of this Part through a federally enforceable emission reduction plan; or

3) An alternate procedure to those described that has been approved by the Agency and the USEPA in a federally enforceable permit or as a SIP revision.

d) Nothing in this Subpart shall supersede any U.S. Coast Guard regulation that is more stringent than that contained in this Subpart.

(Source: Added at 18 Ill. Reg. 16415, effective OCT 25 1994)

Section 219.764 Compliance Certification

By May 1, 1996, or upon initial startup or upon change in method of compliance, the owner or operator of a source subject to the requirements of this Subpart must certify compliance with the requirements of this Subpart by submitting to the Agency the following:

a) If complying with Sections 219.762(a) and (b), or (c)(1), or (c)(3) of

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this Subpart:

- 1) The type of vapor collection and control system utilized;
- 2) The date the system was installed;
- 3) A demonstration that the vapor collection and control system achieves an overall efficiency of 95%;
- 4) A copy of the U.S. Coast Guard certification required under 33 CFR 154; and
- 5) The location (including the contact person's name, address, and telephone number) of the records required by Section 219.770 of this Subpart.

b) If complying with Section 219.762(c)(2) of this Subpart, a federally enforceable emission reduction plan.

c) If not loading during the 1996 regulatory control period or the 1996 and 1997 regulatory control periods, a statement that the source will not be loading gasoline or crude oil, the regulatory control period affected, and a date certain when the requirements of subsection (a) above will be met. Further, if the owner or operator is also required to comply with the control requirements for marine vessel loading adopted pursuant to Section 112(d) or Section 183(f) of the CAA, then the above statement of not loading may extend to subsequent regulatory control periods until installation and operation of the control equipment is required under Section 112(d) or Section 183(f) of the CAA.

(Source: Added at 18 Ill. Reg. 16415, effective OCT 25 1994)

Section 219.766 Leaks

The owner or operator of a marine terminal shall comply with the requirements of Section 219.445 of this Part with respect to all equipment associated with the vapor collection and control system required by Section 219.762(a) of this Subpart.

(Source: Added at 18 Ill. Reg. 16415, effective OCT 25 1994)

Section 219.768 Testing and Monitoring

a) Compliance with Section 219.762(a)(2) of this Subpart shall be determined by visual inspection and by the leak detection methods contained in Section 219.105(g) of this Part.

b) If the control device used to comply with Section 219.762(a)(1) of this Subpart is a flare, compliance shall be determined by methods described in Section 219.429(c) of this Part.

c) For all other control devices used to comply with Section 219.762(a)(1) of this Subpart, compliance shall be determined by methods described in Section 219.105(d) and (f) of this Part.

d) Compliance with Section 219.762(b)(3) of this Subpart shall be

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determined by one of the methods described in this Section:

- 1) A marine vessel loaded in accordance with Section 219.762(b)(3)(A) of this Subpart through the use of a vacuum assisted vapor collection system is assumed to be vapor-tight for the purposes of this Subpart.
- 2) A vapor-tightness test for marine vessels shall be conducted to include the final 20 percent of loading of each product tank of the marine vessel, and it shall be applied to any potential sources of vapor leaks on the vessel pursuant to Method 21 of 40 CFR 60, Appendix A, incorporated by reference at Section 219.112 of this Part. A reading of 10,000 ppmv or greater as methane shall constitute a leak.
- 3) As an alternative to subsection (d)(2) of this Section, an owner or operator of a marine terminal may use the vapor-tightness test described in 40 CFR 61.304(f), incorporated by reference at Section 219.112 of this Part.
- e) When in the opinion of the Agency or USEPA it is necessary to conduct testing to demonstrate compliance with or verify effectiveness of the vapor collection and control system required by Section 219.762(a), (c)(1), or (c)(3) of this Subpart, the owner or operator of a marine terminal shall, at its own expense, conduct such tests in accordance with the applicable test methods and procedures specified in subsections (a), (b), or (c) of this Section, as applicable.
- f) An owner or operator of a marine terminal planning to conduct a VOM emission test to demonstrate compliance with Sections 219.762(a), (c)(1), or (c)(3) of this Subpart shall notify the Agency of that intent not less than 30 days before the planned initiation of the tests so that the Agency may observe the test.

(Source: Added at 18 Ill. Reg. 16415, effective 06/25/1994)

Section 219.770 Recordkeeping and Reporting

- a) The owner or operator of sources complying with Sections 219.762(a) and (b), or (c)(1), or (c)(3) of this Subpart shall maintain records regarding the marine terminal, and each time a marine vessel is loaded during the regulatory control period. The records shall include but are not limited to:
 - 1) The date(s) and the time(s) at which the marine vessel was loaded from the marine terminal;
 - 2) The name, type, identification number, and owner of the vessel loaded;
 - 3) The type and amount of liquid loaded into the marine vessel;
 - 4) Records of any leaks found, repair attempts, and the results of the required fugitive monitoring and maintenance program, including appropriate dates, test methods, instrument readings, repair results, and corrective action taken as required by Sections 219.762(a)(2) and 219.766 of this Subpart;

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- 5) A copy of the Coast Guard certification demonstrating that the marine terminal's vapor collection and control system has been certified as required by Coast Guard regulations found at 33 CFR 154; and
- 6) A copy of the Coast Guard certification demonstrating that the marine vessel has been inspected and certified as required by Coast Guard regulations found at 46 CFR 39. If a copy of the Coast Guard certificate is not available at the time of loading, then the date that the marine vessel was last inspected and the authorization that the marine vessel has functioning vapor control equipment must be recorded from the certificate. Further, a copy of the certificate must be obtained by the owner or operator of the marine terminal within 21 days after the loading event.
- b) Owners or operators complying with Sections 219.762(b)(3)(B), (b)(3)(C), or (b)(3)(D) shall additionally maintain the following records concerning the vapor-tightness of the marine vessel:
 - 1) Test title;
 - 2) Owner or the marine vessel tested;
 - 3) The identification number of the marine vessel tested;
 - 4) Testing location;
 - 5) Tester name and signature;
 - 6) Witnessing inspector, name, signature, and affiliation; and
 - 7) Test results.
- c) Owners or operators complying with the requirements of Section 219.762(c)(2) of this Subpart shall maintain records of daily product volumes loaded to demonstrate that the applicable emission reduction specified in Appendix E of this Part has been achieved.
- d) Owners or operators certifying compliance under Section 219.764(c) shall maintain the records specified in subsections (a)(1), (a)(2), and (a)(3) above.
- e) All records required by subsections (a), (b), (c), and (d) of this Section shall be maintained for at least three years and shall be made available to the Agency upon request.

(Source: Added at 18 Ill. Reg. 16415, effective 06/25/1994)

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SUBPART UU: RECORDKEEPING AND REPORTING

Section 219.APPENDIX E List of Affected Marine Terminals

following table identifies the expected volatile organic material (VOM) emission reductions, in pounds per day in 1996, from the control of the marine vessel loading of gasoline and crude oil from the listed sources, their use, transfers, and assigns. Such reduction of VOM emissions must occur after January 1, 1990 and may not include reductions resulting from compliance with any federally required controls or from any measures included in any State Implementation Plan adopted by the State of Illinois to satisfy any other Clean Air Act requirement.

| | Permit# | Reduction |
|---|-------------|-----------|
| Phillips Pipeline Co. Facility ID # 163020AAB | 73040515014 | 10 |
| Clark Oil and Refining Corp. Facility ID # 197800AAA | 72110678053 | 468 |
| Marathon Pipe Line Co. Facility ID # 119050AAP | 73021451001 | 2,417 |
| Conoco Pipe Line Co. Facility ID # 119050AAK | 73031095011 | 2,759 |
| Shell Oil Co. Facility ID # 119090AAA | 87120058128 | 7,554 |
| Illinois Pollution Center Facility ID # 19115AAV | 73020080007 | 10,443 |

(Source: Added at 18 Ill. Reg. 16415, effective 06/25/1994)

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Heading of the Part: Podiatric Medical Practice Act of 1987

Code Citation: 68 Ill. Adm. Code 1360

Section Numbers: Adopted Action:

1360.30 Amendment
1360.40 Amendment
1360.45 Amendment
1360.50 Amendment
1360.60 Amendment
1360.65 Amendment
1360.86 New Section

4) Statutory Authority: Podiatric Medical Practice Act of 1987 [225 ILCS 100].

5) Effective Date of Amendments: October 21, 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: October 18, 1994

9) Date Notice of Proposal Published in Illinois Register: July 22, 1994, at 18 Ill. Reg. 11451

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Difference(s) between proposal and final version: In the Section pertaining to licensure by endorsement, the reference to a requirement for "an internship" was corrected to read "a residency" for individuals who were licensed after January 1, 1992. Other changes from the proposed version involved punctuation, grammar and style.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: Section 26 of the Podiatric Medical Practice Act of 1987 requires that the chief administrator or executive officer of any health care institution licensed by the Department of Public Health report to the Podiatric Medical Licensing Board concerning impaired podiatric physicians. This rulemaking establishes procedures for

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these reports. Other Sections are updated to bring the rules in line with the Act.

- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0800 Fax #: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1360

PODIATRIC MEDICAL PRACTICE ACT OF 1987

Section

- 1360.10 Statutory Authority (Repealed)
 - 1360.20 Approved Colleges of Podiatry
 - 1360.30 Application for Examination
 - 1360.40 ~~Written-Clinical-Competency Examination~~
 - 1360.45 Application for Licensure on the Basis of Examination
 - 1360.50 Endorsement
 - 1360.55 Renewals
 - 1360.60 Restoration
 - 1360.65 Temporary Licenses
 - 1360.70 Continuing Education
 - 1360.75 Visiting Professor Permits
 - 1360.80 Definition of "Human Foot" (Repealed)
 - 1360.85 Advertising
 - 1360.86 Mandatory Reporting of Impaired Podiatric Physicians by Health Care Institutions
 - 1360.90 Granting Variances
- APPENDIX A Curriculum Requirements (Repealed)
APPENDIX B Clinical Training Requirements (Repealed)

AUTHORITY: Implementing the Podiatric Medical Practice Act of 1987 [225 ILCS 100] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 4 Ill. Reg. 50, p. 58, effective December 3, 1980; codified at 5 Ill. Reg. 11053; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 915, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 8402, effective July 2, 1982; amended at 7 Ill. Reg. 7668, effective June 15, 1983; amended at 9 Ill. Reg. 5377, effective April 4, 1985; transferred from Chapter I, 68 Ill. Adm. Code 360 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1360 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2962; amended at 13 Ill. Reg. 4234, effective March 21, 1989, amended at 14 Ill. Reg. 701, effective December 28, 1989; amended at 16 Ill. Reg. 13281, effective August 18, 1992; amended at 18 Ill. Reg. 16433, effective OCT 21 1994.

Section 1360.30 Application for Examination

An applicant for the National Board of Podiatric Medical Examiners (NBPME) PM

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Lexis examination for licensure as a podiatric physician shall file an application with the Department or its designated testing service, on forms supplied by the Department, at least 60 days prior to an examination date. The application shall include:

- A complete work history indicating all employment since graduation from an approved podiatric medical program which meets the requirements set forth in Section 1360.20;
- Certification of graduation from an approved podiatric medical program;
- Proof of passage ~~a minimum score of 75 in all subject areas~~ of Part I and Part II of the examination given by the National Board of Podiatric Medical Examiners (NBPME) by NBPME standards. The applicant shall have the scores submitted to the Department or its designated testing service directly from NBPME; and
- The required fee as provided for in Section 18(A)(2) of the Act.

(Source: Amended at 18 Ill. Reg. 16433, effective OCT 21 1994)

Section 1360.40 ~~Written Clinical Competency Examination~~

- Each applicant for licensure as a podiatric physician in the State of Illinois shall be required to take the PM Lexis ~~written clinical competency~~ examination administered by the Department or its designated testing service.
- A passing grade on the PM Lexis ~~written clinical competency~~ examination is 75.

(Source: Amended at 18 Ill. Reg. 16433, effective OCT 21 1994)

Section 1360.45 ~~Application for Licensure on the Basis of Examination~~

- Each applicant for licensure as a podiatric physician in the State of Illinois, pursuant to the Podiatric Medical Practice Act of 1987 (~~Rev. Stat., 1991, ch. 117, pars. 4801 et seq.~~ [225 ILCS 100] (the Act), shall file an application with the Department which includes:
 - A complete work history indicating all employment since graduation from an approved podiatric medical program that meets the requirements set forth in Section 1360.20;
 - Certification of graduation from an approved podiatric medical program;
 - Proof of passage ~~a minimum score of 75 in all subject areas~~ of Part I and Part II of the examination given by the NBPME by NBPME standards ~~National Board of Podiatric Medical Examiners~~. The applicant shall have the scores submitted to the Department directly from NBPME;
 - Proof of successful completion of the ~~written clinical competency~~ PM Lexis examination in accordance with Section 1360.40 of this

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- Proof of successful completion of one year of postgraduate training approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association (APMA) which includes residency and preceptorship programs; and
 - The required fee set forth in Section 18(A)(1) of the Act.
- b) An applicant who has successfully completed in another jurisdiction a written clinical competency examination recognized by the Department pursuant to Section 1360.40 shall have the examination scores submitted directly to the Department by the reporting entity.

(Source: Amended at 18 Ill. Reg. 16433, effective OCT 21 1994)

Section 1360.50 ~~Endorsement~~

- An applicant for licensure as a podiatric physician who is licensed under the laws of another jurisdiction shall file an application with the Department which shall include:
 - A certification from the jurisdiction of original licensure, stating:
 - The time during which the applicant was licensed in that jurisdiction; and
 - Whether the file on the applicant contains any record of any disciplinary actions taken or pending.
 - A complete work history indicating all employment since graduation from a program which meets the requirements set forth in Section 1360.20;
 - Certification of successful completion of Parts I and II of the examination given by the NBPME ~~National Board of Podiatric Medical Examiners~~ or any other examination which was a requirement of original licensure;
 - Verification of successful completion of one year of post-graduate training which is approved by the Council on Podiatric Medical Education of the APMA and includes a residency or preceptorship for individuals who were licensed after January 1, 1992.

- A copy of the Act and/or rules which were in effect in the jurisdiction of original licensure;
 - Passage of the written clinical competency examination set forth in Section 1360.40; and
 - The required fee set forth in Section 18(A)(1) of the Act.
- 8) The Department may, in individual cases, upon recommendation of the Director, waive the written clinical competency examination set forth in Section 1360.40 for an applicant by endorsement after full consideration of his/her podiatric education, training and experience, including, but not limited to, whether he/she has achieved special honors or awards, has had articles published in professional journals, has participated in writing

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textbooks relating to podiatric medicine, and any other attribute which that the Director accepts as evidence that such applicant has outstanding and proven ability in podiatry.

- b) The Department shall examine each endorsement application to determine whether the requirements in such jurisdiction at the date of licensing were substantially equivalent to the requirements then in force in this State and whether the applicant has otherwise complied with the Act. The Department shall within a reasonable time either issue a certificate of registration by endorsement to the applicant or notify him/her of the reasons for the denial of his the application.

(Source: Amended at 18 Ill. Reg. 16439, effective OCT 21 1994.)

Section 1360.60 Restoration

- a) A person seeking restoration of a license that which has expired for less than five 45+ years shall have the license restored upon payment of \$100 plus all lapsed renewal fees required by Section 18(A)(4) of the Act and proof of 50 hours of continuing education, as defined in Section 1360.70 of this Part, earned within the 2 years preceding restoration of the license.
- b) A person seeking restoration of a license that which has been placed on inactive status for less than five 45+ years shall have the license restored upon payment of the current renewal fee and proof of 50 hours of continuing education, as defined in Section 1360.70 of this Part, earned within 2 years preceding the restoration of the license.
- c) A person seeking restoration of a license after it has expired or been placed on inactive status for more than five 45+ years shall file an application, on forms supplied by the Department, together with the fee required by Section 18(A)(4) of the Act and be scheduled for an interview before the Board. The person shall also submit either:

- 1) Certification of active practice in another jurisdiction and proof of 50 hours continuing education as defined in Section 1360.70 of this Part during the 2 years prior to restoration. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the applicant was authorized to practice during the term of active practice; or
 - 2) An affidavit attesting to military service as provided in Section 15 of the Act; or
 - 3) proof of successful completion of a-written--clinical--competency the PM Iexis examination in accordance with Section 1360.40 within one year of before application applying for restoration.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration of a license shall be requested to:

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- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information. Upon the recommendation of the Board and approval by the Department, an applicant--shall--have--the--license--restored applicant's license shall be restored.

(Source: Amended at 18 Ill. Reg. 16439, effective OCT 21 1994.)

Section 1360.65 Temporary Licenses

- a) An applicant for a temporary license to pursue postgraduate training shall file an application with the Department, on forms provided by the Department, which includes the following:

- 1) A complete work history indicating all employment since graduation from an approved podiatric medical program that which meets the requirements set forth in Section 1360.20;
- 2) Either:

- A) Certification of graduation from an approved podiatric medical program; or
- B) Certification that the applicant will graduate from an approved podiatric medical program before entering into the postgraduate training. This certification shall be signed by the director or registrar of the applicant's podiatric medical program.

- 3) Proof of passage a-minimum-score-of-75-in-all-subject-areas of Part I and Part II of the examination given by the National-Board Podiatric-Medical-Examiners--(NBPME) by NBPME standards. The applicant shall have his scores submitted to the Department or its designated testing service, directly from NBPME.

- 4) Proof that the applicant has been accepted or appointed to a position in a postgraduate program approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association which includes residencies and preceptorships.

- 5) The required fee set forth in Section 18(A)(1) of the Act.

- b) A temporary license shall be valid for one year.
- c) Temporary licenses may be renewed one time in the following situations:

- 1) Serving full-time in the Armed Forces;
- 2) An incapacitating illness documented by a currently licensed physician; or
- 3) Proof of continuance of a postgraduate training program.

- d) A licensee applying for renewal of his a temporary certificate shall pay to the Department the a fee set forth in Section 18(3) of the Act of-\$20-to-cover-the-printing-of-a-new-temporary-license.

- e) If a temporary license holder terminates or is discharged from a residency or preceptorship program, the temporary license shall be

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null and void. If the licensee changes ~~his~~ his/her preceptorship or residency program, ~~he~~ he/she shall reapply for a new temporary license.

- f) If the licensee applies for a permanent podiatric physician license while holding a temporary license, no permanent license shall be issued until the temporary license is returned to the Department.

(Source: Amended at 18 Ill. Reg. 1643.3, effective 01/21/1994)

Section 1360.86 Mandatory Reporting of Impaired Podiatric Physicians by Health Care Institutions

- a) Section 26 of the Act requires that the chief administrator or executive officer of any health care institution licensed by the Department of Public Health report to the Podiatric Medical Licensing Board concerning impaired persons. All instances in which a person licensed under the Podiatric Medical Practice Act of 1987 is impaired by reason of age, drug or alcohol abuse or physical or mental impairment, is under supervision, and where appropriate, is in a program of rehabilitation, must be reported to the Board. The reports must contain sufficient current information to enable the Board to evaluate the impairment and determine the appropriateness of the supervision or treatment plan submitted by the institution. If the Board finds the facility to meet the needs of the individual, the Board may direct treatment to meet the specific objections.

- b) Contents of Reports. Reports of impaired persons shall be submitted in writing, on forms provided by the Department, which shall include, but not be limited to, the following information:

- 1) The name, address, telephone number and title of the person making the report;
- 2) The name, address, telephone number and type of health care institution where the maker of the report is employed;
- 3) The name, address, telephone number, and professional license number of the person who is the subject of the report;
- 4) A means of identification used by the institution of any patient or patients whose treatment is a subject of the report, provided, however, no medical records may be revealed without the written consent of the patient or patients; and further provided that the Board may require disclosure of the name, address and telephone number of any such patient if it deems such information necessary to an evaluation of the impairment or a determination of the appropriateness of the supervision or program of rehabilitation;
- 5) The nature of the impairment and brief description of the facts that gave rise to the issuance of the report, including the dates of any occurrences deemed to necessitate the filing of the report;

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- 6) The terms and conditions of the supervision under which the subject of the report is conducting his/her activities or practice, including the date supervision commenced; the term of the supervision; the name, address and telephone number of the person in charge of the subject's supervision; and a written consent executed by the subject of the report, authorizing the Board, the Department staff or other designated representative of the Board to contact the person in charge of the subject's supervision for information, including written documentation, in order to evaluate the progress of the subject's supervision;
- 7) If the subject of the report is in a program of rehabilitation, the name, address and telephone number of the program and the name and position of any individual in charge of the program; and
- 8) Any other information deemed by the reporting person to be of assistance to the Board and the Department staff in evaluating the report, including, but not limited to, the following items: drug screens being used and their status; relapses and actions taken; attendance at work; observations of recovery status and level of cooperation in recovery; other psychopathology; known related physical and mental illnesses; involvement of the family and others in treatment or supervision; and a copy of the aftercare agreement.
- c) Reports of impaired persons shall be submitted to the Board in a timely manner. The initial report shall be submitted on forms provided by the Department within 60 days after it is determined that a report is necessary under the Act and this part. Periodic reports (which evidence written documentation of the progress of suspension or rehabilitation) shall thereafter be submitted to the Licensing Board every 6 months, commencing with the time of the filing of the initial report. A copy of each report shall be sent by the person making the report to the impaired person.

Confidentiality

- 1) The contents of any report shall be strictly confidential, except as otherwise provided in this subsection, and exempt from public disclosure, but may be reviewed by:

- A) Members of the Board or their designees;
 - B) The Board's designated attorneys;
 - C) The Department staff;
 - D) Administrative personnel assigned to open mail containing reports and to process and distribute said reports to authorized persons, and to communicate with senders of reports; and
 - E) The person who is the subject of the report, his/her attorney or his/her authorized representative (as evidenced by a written authorization signed by the person who is the subject of the report).
- 2) The reports may also be handled or processed by other designated persons in a limited manner necessary to implement reports required under this Act by computer, word processing equipment or

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other mechanical means. The data record shall be limited to the name and address of the originator of the report, the date the initial report was received, the date of the most recent report and the professional license number of the subject of the report.

3) The contents of the confidential reports relating to impaired persons shall not be used or made available in any other administrative proceedings before the Department of Professional Regulation or any other department; however, violations of the treatment or supervision plan will result in a review of the person's status by the Board or its designees for possible discipline or revision in the treatment or supervision plan. Such reports shall not be disclosed, made available or subject to subpoena or discovery proceedings in any civil or criminal court proceedings.

e) Upon a determination by the Board that a report(s) on an impaired person no longer requires review and consideration, the Board shall notify the maker of the report(s) to cease sending such report(s) and the Board and Department records shall be purged of information contained in the report(s). Such determinations shall be based on, but not be limited to: the type of impairment, type of rehabilitation program, length of supervision, occurrence of any relapses and present status of license.

f) When any chief administrative or chief executive officer of any health care institution making a report or providing other information to the Board, or assisting the Board concerning an impaired person, acts in good faith and not in a willful and wanton manner, said chief administrative or chief executive officer and the health care institution employing him/her shall not, as a result of such actions, be subject to criminal prosecution or civil damages (Section 23(c) of the Act).

g) The following definitions shall apply to this Section:

1) "Impaired" means the inability to practice podiatric medicine with reasonable skill and safety due to physical or mental disabilities, as evidenced by a written evaluation or clinical evidence that reveals a deterioration of the podiatric physician's ability to deliver competent care due to problems related to aging, loss of motor skill, abuse of drugs or alcohol or mental illness.

2) "Under supervision" means that the performance of the impaired person's clinical privileges and status of the person's impairment is being observed and monitored under the authority of a written directive issued in accordance with a health care institution's or medical staff's bylaws or rules and regulations.

(Source: Added at 18 Ill. Reg. **16433**, effective 07-01-1994)

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1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits

2) Code Citation: 92 Ill. Adm. Code 1040

3) Section Numbers:
1040.25 Adopted Action:
1040.32 Amendment
Amendment

4) Statutory Authority: Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

5) Effective Date of Rulemaking: October 24, 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: October 24, 1994

9) Notice of Proposal Published in Illinois Register:
18 Ill. Reg. 12117 (August 12, 1994).

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

The Administrative Code Unit had no changes during the first notice period.

At the direction of the Joint Committee on Administrative Rules, the following changes were made:

At lines 87-88, the statutory citation was corrected from Section 2371 of the Illinois Public Aid Code to Section 1 of the Child Curfew Act. At line 102, the ILCS citation was corrected to read: 625 ILCS 5/7-304 and/or 7-305. At line 266, the statutory citation was corrected to read: 625 ILCS 5/6-206(a)(10) or 6-206(a)(6). At line 503 the statutory citation was corrected to read: 720 ILCS 5.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking:

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Section 1040.25 is being amended in response to P.A. 88-197. Section 1040.32 is being amended to reflect the current language of the Statute [625 ILCS 5/6-206(a)(10)].

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Mark A. Novak
Address: Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
Telephone: 217/782-5356

The full text of the Adopted Amendments begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1040

CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

| | |
|----------|---|
| Section | |
| 1040.10 | Court to Forward Licenses and Reports of Convictions |
| 1040.20 | Illinois Offense Table |
| 1040.25 | Suspension or Revocation for Driving Without a Valid Driver's License |
| 1040.30 | 3 Or More Traffic Offenses Committed Within 12 Months |
| 1040.31 | Operating A Motor Vehicle During A Period of Suspension or Revocation |
| 1040.32 | Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently |
| 1040.35 | Commission of an Offense Requiring Mandatory Revocation or Discretionary Suspension or Revocation Upon Conviction |
| 1040.38 | Commission of a Traffic Offense in Another State |
| 1040.40 | Repeated Convictions or Collisions |
| 1040.41 | Suspension of Licenses for Curfew Violations |
| 1040.42 | Fleeing and Eluding |
| 1040.43 | Illegal Transportation |
| 1040.46 | Fatal Accident and Personal Injury Suspensions or Revocations |
| 1040.48 | Vehicle Emission Suspensions |
| 1040.50 | Suspension or Revocation of a License of Commercial Vehicle Driver |
| 1040.55 | Suspension or Revocation for Driver's License Classification Violations |
| 1040.60 | Release of Information Regarding a Disposition of Court Supervision |
| 1040.65 | Offenses Occurring on Military Bases |
| 1040.66 | Invalidation of a Restricted Driving Permit |
| 1040.70 | National Driver Register |
| 1040.80 | Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card |
| 1040.100 | Rescissions |
| 1040.101 | Reinstatement Fees |
| 1040.102 | Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions |

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 36, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill.

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Reg. 16927, effective October 1, 1987; amended at 11 Ill. Reg. 20657, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective April 13, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective OCT 24 1994.

Section 1040.25 Suspension or Revocation for Driving Without a Valid Driver's License

a) For purpose of this Section, the following definitions shall apply:

"Auto Emissions Suspension" - suspension for failing to have a vehicle tested in accordance with Section 13A-101 ~~et seq.~~ of the Vehicle Emission Inspection Law of the Illinois Vehicle Code (~~111-Rev-Stat--1987-95-1727-par.1-13A-101-et-seq.~~) [625 ILCS 5/13A-101].

"Cleared Suspension or Revocation" - a suspension or revocation of driving privileges which has terminated.

"Conviction" - adjudication of guilty as defined in Section 6-100 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (~~111-Rev-Stat--1987-95-1727-par.1-6-100~~) [625 ILCS 5/6-100].

"Curfew Violation Suspension" - suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 237 1 of the Child Curfew Act (~~111-Rev-Stat--1987-95-1727-par.1-237~~) [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (~~111-Rev-Stat--1987-95-1727-par.1-6-206(a)(13)~~) [625 ILCS 5/6-206(a)(13)].

"Department" - Department of Driver Services within the Office of

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the Secretary of State.

"Failure to Appear Suspension" - suspension for failing to pay fine or appear in court following the issuance of a traffic ticket.

"Financial Responsibility Suspension" - suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (~~111-Rev-Stat--1987-95-1727-par.1-7-304-and-or-7-305~~) [625 ILCS 5/7-304 and/or 7-305].

"Miscellaneous Suspension" - safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, or unsatisfied judgment.

"Prior Suspension or Revocation" - a suspension or revocation or extension of a suspension or revocation which appears on the driving record.

"Revocation" - the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after expiration of at least one year after the date of revocation as provided for in Section 1040.20 of this part, and as defined in Section 1-176 of the Illinois Vehicle Code (~~111-Rev-Stat--1987-95-1727-par.1-176~~) [625 ILCS 5/1-176].

"Safety Responsibility Suspension" - suspension in accordance with Sections 7-205 or 7-208 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (~~111-Rev-Stat--1987-95-1727-par.1-7-205-and-7-208~~) [625 ILCS 5/7-205 and 7-208].

"Suspension" - the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as provided for in Section 1040.20 of this Part, and as defined in Section 1-204 of the Illinois Vehicle Code (~~111-Rev-Stat--1987-95-1727-par.1-204~~) [625 ILCS 5/1-204].

"Unsatisfied Judgment Suspension" - suspension in accordance with Section 7-303 or 7-313 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (~~111-Rev-Stat--1987-95-1727-par.1-7-303-and-7-313~~) [625 ILCS 5/7-303 and 7-313].

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"valid Driver's License or Permit" - license or permit issued by the Secretary of State which is of the proper classification for the purposes for which it is being used and which has not been invalidated, ~~by--cancellation--revocation--suspension--or--use~~ canceled, revoked, suspended or used after curfew.

"Warrant Parking/Traffic Suspension" - suspension for arrest warrants issued for failure to pay fines for traffic or parking violations.

- b) When considering prior convictions, only convictions for driving without a valid driver's license within seven (7) years of the arrest date of the incoming conviction shall be considered.
- c) Only these suspensions or revocations cleared within seven (7) years of the forthcoming suspension's or revocation's effective date shall be considered as prior suspensions or revocations. Cleared miscellaneous suspensions shall not be considered prior suspensions for purposes of this Section.
- d) Miscellaneous suspensions which have not been cleared shall be counted as a prior suspension if the arrest date of the conviction for driving without a valid license occurred after the effective date of the miscellaneous suspension and if the miscellaneous suspension is in full force and effect upon entry of the suspension or revocation for driving without a valid driver's license.
- e) A person shall have his/her driving privileges suspended or revoked by the Department if he/she is convicted of driving without a valid driver's license and has not been issued a valid Illinois driver's license on or prior to the date of conviction for the violation of driving without a valid license.
- f) If a person has no prior suspension(s) or revocation(s) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

TABLE

| <u>Convictions</u> | <u>Action</u> |
|---------------------------------|------------------------------|
| first conviction | two (2) month suspension |
| second conviction | four (4) month suspension |
| third conviction | six (6) month suspension |
| fourth conviction | twelve (12) month suspension |
| fifth or subsequent convictions | revocation |

- g) If a person has one (1) prior suspension or revocation (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

TABLE

| <u>Convictions</u> | <u>Action</u> |
|----------------------------------|------------------------------|
| first conviction | four (4) months suspension |
| second conviction | six (6) month suspension |
| third conviction | twelve (12) month suspension |
| fourth or subsequent convictions | revocation |

- h) If a person has two (2) prior suspensions or revocations or any combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

TABLE

| <u>Convictions</u> | <u>Action</u> |
|---------------------------------|------------------------------|
| first conviction | six (6) month suspension |
| second conviction | twelve (12) month suspension |
| third or subsequent convictions | revocation |

- i) If a person has three (3) prior suspensions or revocations or any combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

TABLE

| <u>Convictions</u> | <u>Action</u> |
|----------------------------------|------------------------------|
| first conviction | twelve (12) month suspension |
| second or subsequent convictions | revocation |

- j) If a person has four (4) or more prior suspensions or revocations or any combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall enter an order of revocation.

- k) If a conviction for driving without a valid driver's license shows an arrest date during a period of revocation which is in effect, the revocation shall be extended for one (1) year from the date of the conviction or one (1) year from the latest projected eligibility date on record whichever is the longer period of time. If a conviction for driving without a valid driver's license shows an arrest date during a period of suspension (excluding all miscellaneous suspensions except curfew) which is still in effect, the suspension shall be extended the same amount of time as the originally imposed suspension in accordance with Section 6-303 of the Illinois Driver Licensing Law of the

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Illinois Vehicle Code (111--Rev--Stat--1987--ch--95-1/2--par---6-303)--
[625 ILCS 5/6-303].

- 1) If a person has a miscellaneous suspension (excluding curfew suspensions) which is in effect, has no prior suspensions or revocations and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall take action as follows:

TABLE

| Conviction | Action |
|-----------------------------------|------------------------------|
| first conviction | four (4) month suspension |
| second conviction | six (6) month suspension |
| third conviction | twelve (12) month suspension |
| fourth and subsequent convictions | revocation |

- m) If a person has a miscellaneous suspension (excluding curfew suspensions) which is in effect, has one (1) prior suspension or revocation and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall take action as follows:

TABLE

| Conviction | Action |
|---------------------------------|------------------------------|
| first conviction | six (6) month suspension |
| second conviction | twelve (12) month suspension |
| third or subsequent convictions | revocation |

- n) If a person has a miscellaneous suspension (excluding curfew suspensions) which is in effect, has two (2) prior suspensions or revocations or any combination thereof and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall take action as follows:

TABLE

| Conviction | Action |
|----------------------------------|------------------------------|
| first conviction | twelve (12) month suspension |
| second or subsequent convictions | revocation |

- o) If a person has a miscellaneous suspension (excluding curfew suspensions) which is in effect, has three (3) or more prior

suspensions or revocations or any combination thereof and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall enter an order of revocation.

- p) If a person has a suspension in effect pursuant to Section 6-206(a)(19) or (6) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (111--Rev--Stat--1987--ch--95-1/2--par--6-206(a)(19)--or--(6)) [625 ILCS 5/6-206(a)(19) or 6-206(a)(6)] and receives a subsequent conviction for driving without a valid driver's license, the suspension shall be amended in accordance with the guidelines of this Section.

(Source: Amended at 18 Ill. Reg. 16449, effective 01/24/1994)

Section 1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently

- a) For purposes of this Section, the following definitions shall apply:

"Amnesty" - a sovereign act of forgiveness for past acts granted by a government to all persons (or to certain persons) generally conditioned upon their return to obedience and duty within a prescribed time as recognized by the Immigration Reform and Control Act of 1986. (P.L. 99-603.)

"Department" - Driver Services Department within the Office of the Secretary of State.

"Driver's License or Permit" - document which permits a person to legally operate a motor vehicle. Includes a restricted driving permit, a judicial driving permit, instruction permit, a traffic ticket issued where the person's driver's license is deposited in lieu of bail, a suspension notice in which the suspension is not yet effective, a duplicate or corrected driver's license, a temporary instruction permit, or temporary driver's license, or a probationary driver's license.

"False Information" - any information concerning the name, sex, date of birth, social security number or any photograph that falsifies all or in part the actual identity of the individual issued the driver's license, permit or identification card.

"Fictitious Driver's License or Permit" - any issued driver's license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction which contains false information concerning the identity of the individual issued the driver's license or permit.

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"Fraudulent Driver's License or Permit" - any driver's license or permit which purports to be an official driver's license or permit for which a computerized number and file have not been created by the Secretary of State or other official driver's license agency in another jurisdiction.

"Fraudulent Identification Card" - any identification card which purports to be an official Illinois Identification Card or Illinois Disabled Person Identification Card for which a computerized number and file have not been created by the Secretary of State. For the purpose of this paragraph, any identification card which resembles an official Illinois Identification Card or Illinois Disabled Person Identification Card in either size or color or photograph location or design or uses the word "official", or "state", or "Illinois", individually or in any combination thereof to describe or modify the term "identification card" or "I.D. card" anywhere on the card, or uses a map of Illinois on the photograph side of the card, is deemed to be an identification card which purports to be an official Illinois Identification Card or Illinois Disabled Person Identification Card.

"Identification Card" - a standard Illinois Identification Card or Disabled Person Identification Card issued by the Secretary of State in accordance with Section 4 of the Illinois Identification Card Act. ~~---(111:--Rev:--Stat:--1989:ch:124:par:24:)~~ [15 ILCS 335/4].

"Revocation" - The termination by formal action of the Secretary of a person's driver's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new driver's license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation as defined in Section 1-176 of the Illinois Vehicle Code. ~~---(111:--Rev:--Stat:1989:ch:95-1/2:par:1-176:)~~ [625 ILCS 5/1-176].

"Suspension" - The temporary withdrawal by a formal action of the Secretary of a person's driver's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary pursuant to Section 1-204 of the Illinois Vehicle Code.

"Unlawfully Altered Driver's License, Permit or Identification Card" - any issued driver's license, permit or identification card for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction which has been physically altered

or changed in such a manner that false information appears upon the driver's license or permit.

- b) The Secretary of State has discretionary authority to suspend or revoke the driving privileges of any person upon receipt of evidence that such person has committed one or more of the following offenses listed in Section 6-206 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. ~~---(111:--Rev:--Stat:--1989:ch:95-1/2:par:6-206:)~~ [625 ILCS 5/6-206].

- 1) If such person has permitted an unlawful use of driver's license, identification card, or permit by allowing another person to use said license, identification card or permit, the Department shall take the following action pursuant to Section 6-206(a)(5) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

ACTION TABLE

| | |
|--|---------------------|
| 1st offense | 12-month Suspension |
| 1st offense (with pending or effective Revocation) | Revocation |
| 2nd or subsequent offense | Revocation; or |

- 2) If such person has made a false statement or made any false affidavit or has knowingly concealed or affirmed falsely to a material fact or used false information or identification in an application for a driver's license, identification card or permit, the Department shall take the following action pursuant to Section 6-206(a)(9) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

ACTION TABLE

| | |
|--|---------------------|
| 1st offense | 12-month Suspension |
| 1st offense (with pending or effective Revocation) | Revocation |
| 2nd or subsequent offense | Revocation; or |

- 3) If such person has possessed, displayed or attempted to fraudulently use any driver's license, identification card, or permit not issued to such person, the Department shall take the following action pursuant to Section 6-206(a)(10) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

ACTION TABLE

| | |
|--|---------------------|
| 1st offense | 12-month Suspension |
| 1st offense (with pending or effective Revocation) | Revocation |
| 2nd or subsequent offense | Revocation; or |

- 4) If such person has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application

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process for the purpose of obtaining a driver's license, identification card or permit for some other person, the Department shall take the following action pursuant to Section 6-206(a)(12) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

| ACTION TABLE | |
|--|---------------------|
| 1st offense | 12-month Suspension |
| 1st offense (with pending or effective Revocation) | Revocation |
| 2nd or subsequent offense | Revocation; or |

- 5) If such person has violated Sections 6-301, 6-301.1 or 6-301.2 of the Illinois Vehicle Code, the Department shall take action appropriate for the violation committed pursuant to Section 6-206 of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

A) Unlawful use of driver's license or permit: If such person has displayed or caused to be displayed or had in his possession any cancelled, revoked or suspended driver's license or permit; allowed unlawful use of driver's license or permit; lent his driver's license or permit to any other person or knowingly allowed the use thereof by another; or displayed or represented as his own any driver's license or permit issued to another, the Department shall take the following action pursuant to Section 6-301 of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

| ACTION TABLE | |
|--|---------------------|
| 1st offense | 12-month Suspension |
| 1st offense (with pending or effective Revocation) | Revocation |
| 2nd or subsequent offense | Revocation; or |

B) Fictitious or unlawfully altered driver's license or permit: If such person has knowingly possessed or displayed any fictitious or unlawfully altered driver's license or permit; knowingly issued or assisted in the issuance of a fictitious driver's license or permit; or knowingly manufactured, possessed, transferred or provided any identification document for the purpose of obtaining a fictitious driver's license or permit, the Department shall take the following action pursuant to Section 6-301.1 of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

| ACTION TABLE | |
|---------------------------|----------------|
| 1st or subsequent offense | Revocation; or |

- C) Fraudulent driver's license or permit: If such person has

knowingly possessed, displayed or caused to be displayed any fraudulent driver's license or permit; knowingly possessed without authority any driver's license-making implement; or knowingly duplicated, manufactured, sold or transferred any fraudulent driver's license or permit, the Department shall take the following action pursuant to Section 6-301.2 of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

| ACTION TABLE | |
|---------------------------|----------------|
| 1st or subsequent offense | Revocation; or |

- 6) If such person has permitted another person to use any form of such person's identification in the application process to obtain a driver's license, identification card, or permit, the Department shall take the following action pursuant to Section 6-206(a)(25) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

| ACTION TABLE | |
|--|---------------------|
| 1st offense | 12-month Suspension |
| 1st offense (with pending or effective Revocation) | Revocation |
| 2nd or subsequent offense | Revocation; or |

- 7) If such person has unlawfully altered or attempted to alter or possessed an altered driver's license, identification card, or permit, the Department shall take the following action pursuant to Section 6-206(a)(26) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

| ACTION TABLE | |
|--|---------------------|
| 1st offense | 12-month Suspension |
| 1st offense (with pending or effective Revocation) | Revocation |
| 2nd or subsequent offense | Revocation; or |

- 8) If such person has violated Section 6-16 of the Liquor Control Act of 1934 (~~Ill. Rev. Stat. 1989, ch. 43, par. 1331~~) [235 ILCS 5/6-16], the Department shall take the following action pursuant to Section 6-206(a)(27) of the Illinois Driver Licensing Law of the Illinois Vehicle Code:

| ACTION TABLE | |
|--|---------------------|
| 1st offense | 12-month Suspension |
| 1st offense (with pending or effective Revocation) | Revocation |
| 2nd or subsequent offense | Revocation. |

- c) The sources of acceptable proof of the offenses described in

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subsection (b) above are court documents, driver services facility applications, government entity documents, and law enforcement correspondence/reports.

- d) Persons who have applied for federal amnesty pursuant to the Immigration Reform and Control Act of 1986 (P.L. 99-603) shall not be suspended or revoked under subsection (b) of this Section if they show proof to the Department that they have applied for federal amnesty, unless they are otherwise ineligible to be licensed as drivers or granted a permit, as provided by Section 6-103 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. Proof shall be the application documents for federal amnesty issued by the Immigration and Naturalization Service verifying that the individual has applied for federal amnesty. If an individual seeking federal amnesty has previously been found by the Department to be in violation of this Section or if the Department receives a report from individuals or agencies listed in subsection (c) of this Section that a person applying for federal amnesty has been convicted of committing a criminal act involving the use of their identification card, driver's license or permit in violation of the Criminal Code of 1961 (~~§§11-Rev-Stat-1989-CH-307-part-3-1-et-seq~~) [720 ILCS 5], his or her driving privileges shall be suspended or revoked by the Department in accordance with subsection (b) of this Section.

- e) The Director of the Department shall rescind a suspension or revocation or reduce the period of a suspension for fraudulent activity if the Office of the Inspector General provides the Director with sufficient evidence demonstrating the person has cooperated in the course of an official investigation regarding the sale, manufacture, issuance or receipt of a fraudulent or fictitious driver's license or identification card. Sufficient evidence of cooperation will be shown by a written statement to the Director signed by the supervising official of the Office of the Inspector General. Whether the person cooperated in an investigation will be determined by the Office of the Inspector General.

(Source: Amended at 18 Ill. Reg. 16443, effective
OCT 24 1994)

- 1) Heading of the Part: Issuance of Licenses

- 2) Code Citation: 92 Ill. Adm. Code 1030

- 3) Section Numbers:
1030.13 Adopted Action:
1030.86 New Section
1030.120 Amendment

- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)] and Article I of Chapter 6 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I].

- 5) Effective Date of Rulemaking: October 24, 1994

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Does this rulemaking contain incorporations by reference? No.

- 8) Date Filed in Agency's Principal Office: October 24, 1994

- 9) Notice of Proposal Published in Illinois Register:
18 Ill. Reg. 11924 (July 29, 1994).

- 10) Has JCAR issued a Statement of Objections to these rules? No.

- 11) Difference(s) between proposal and final version:

The following changes were suggested by the Administrative Code Division, Office of the Secretary of State.

In lines 49-50 and 52-53 the underscoring and strikeouts to the Administrative Code and ILCS citations were removed.

In lines 142-143 and 148, the newly added ILCS citations were underscored.

The following changes were suggested by the Joint Committee on Administrative Rules.

In line 50, "100 et seq." was changed to "Art. I".

In line 119, "[625 ILCS 5/2-118]" was inserted after the word "Code".

In line 122, "[625 ILCS 5/2-118]" was deleted.

In line 134, "/1 et seq." was deleted.

In line 165, "5/" was deleted.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this rulemaking replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Rulemaking: The new Section 1030.13 is being added in response to P.A. 88-197 regarding driver's license applications of minors. This rulemaking outlines the authority and procedure for denial of a license or permit. Section 1030.86 is being amended to indicate a favorable medical report must be on file within the previous 3 months, instead of 6 months, before an applicant takes a second or subsequent road test. Section 1030.120 is being amended in response to P.A. 88-197, which allows for the invalidation of a license based on the death of the holder, consent or a court order.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Mark A. Novak
 Assistant Counsel to the Secretary
 Address: 2701 S. Dirksen Parkway
 Springfield, IL 62723
 Telephone: 217/782-5356

The full text of the Adopted Amendments begins on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION
 CHAPTER II: SECRETARY OF STATE

PART 1030
 ISSUANCE OF LICENSES

Section

1030.10 What Persons Shall Not be Licensed or Granted Permits
 1030.11 Procedure for Obtaining a Driver's License
 1030.12 Driver's License Medical Advisory Board
 1030.13 Denial of License or Permit
 1030.15 Cite for Re-examination
 1030.17 Errors in Issuance of Driver's License/Cancellation
 1030.20 Classification of Drivers-References
 1030.30 Classification Standards
 1030.40 Fifth Wheel Equipped Trucks
 1030.50 Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
 1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
 1030.60 Third-Party Certification Program
 1030.63 Religious Exemption for Social Security Numbers
 1030.65 Instruction Permits
 1030.70 Driver's License Testing/Vision Screening
 1030.75 Driver's License Testing/Vision Screening with Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
 Driver's License Testing/Written Test
 1030.80 Endorsements
 1030.81 Vehicle Inspection
 1030.84 Driver's License Testing/Road Test
 1030.85 Multiple Attempts/Road Test
 1030.86 Exemption of Facility Administered Road Test
 1030.88 Temporary Licenses
 1030.89 Requirement For Photograph and Signature of Licensee on Driver's License
 1030.90 Disabled Person/Handicapped Identification Card
 1030.91 Restrictions
 1030.92 Restricted Local Licenses
 1030.93 Duplicate or Corrected Driver's License or Instruction Permit
 1030.94 Diplomatic and Consular Licenses
 1030.95 Restricted Commercial Driver's License
 1030.96 Invalidation of a Driver's License or Permit
 1030.97 Anatomical Gift Donor
 1030.100 Emergency Medical Information Card
 1030.110 Change-of-Address
 1030.115 Issuance of a Probationary License
 1030.120 Grounds for Cancellation of a Probationary License
 1030.130 Questions Asked of a Driver's License Applicant
 APPENDIX A Acceptable Identification Documents
 APPENDIX B

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 6-100 et seq.) [625 ILCS 5/6-Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 2-104(b)) [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457.

Section 1030.13 Denial of License or Permit

- a) For purpose of this Section, the following definition shall apply:
 "Denial" - to prohibit or disallow the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle in accordance with Section 6-107 of the Illinois Vehicle Code [625 ILCS 5/6-107].

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

b) The Secretary of State shall deny a license or permit to any applicant under 18 years of age:

- 1) Who has not passed an approved driver education course as defined in Section 1-103 of the Illinois Vehicle Code [625 ILCS 5/1-103] and has not submitted such proof of having passed the course as may be required by the Secretary of State; or
- 2) Who has committed or has been convicted of an offense that would otherwise result in a mandatory revocation of a license or permit as provided in Section 6-205 of the Illinois Vehicle Code [625 ILCS 5/6-205]; or
- 3) Who has been either convicted of or adjudicated a delinquent based upon a violation of the Cannabis Control Act or the Illinois Controlled Substance Act, while that individual was in actual control of a motor vehicle.
 - A) Any person placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act shall not be considered convicted.
 - B) The conviction shall be reported to the Secretary of State's Office in a manner prescribed by Section 6-107 of the Illinois Vehicle Code [625 ILCS 5/6-107].
- c) Any applicant who has been denied a license or permit under the provisions of Section 6-107 of the Illinois Vehicle Code [625 ILCS 5/2-118] may appeal said determination to the Department of Administrative Hearings pursuant to Section 2-118 of the Illinois Vehicle Code.

(Source: Added 18 Ill. Reg. 16457, effective 01/24/1994.)

Section 1030.86 Multiple Attempts/Road Test

- a) For purposes of this Section, the following definitions shall apply:
 "Applicant" - person applying for or renewing an Illinois driver's license.
 "Department" - Department of Driver Services within the Office of the Secretary of State.
 "Licensed Physician" - a person licensed under the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4400-1 et seq.) [225 ILCS 60].
 "Road Test" - an actual demonstration of the applicant's ability to operate a motor vehicle as required by Section 6-109 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-109) [625 ILCS 5/6-109].
- b) The fee to obtain a driver's license required by Section 6-118 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-118) [625 ILCS 5/6-118] shall entitle a person to a total of three (3) attempts to pass the road test in a one-year period starting from the date of the first attempt. The first attempt is counted as one of the three attempts as provided

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for in Section 6-106 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. ~~1987~~ 1991, ch. 95 1/2, par. 6-106) [625 ILCS 5/6-106].

- c) An applicant for an Illinois driver's license may be allowed to attempt the road test a second time after a failure in the same day during normal business hours of the Driver Services Facility if he/she fails the first attempt to pass the road test. However, if the applicant demonstrates a danger to public safety during his first attempt to pass a road test, he/she will not be allowed a second attempt during the same day. An applicant will not be allowed to make a third or subsequent attempt to pass a road test on the same day in which he/she failed the previous attempt. If an applicant fails the road test six (6) times, he/she will not be permitted to attempt the road test a seventh time until he/she submits to the Department a medical report from a licensed physician stating that he/she is physically and mentally able to safely operate a motor vehicle as provided for in Sections 6-103(8) and 6-109(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. ~~1987~~ 1991, ch. 95 1/2, par. 6-103(8) and 6-109(b)) [625 ILCS 5/6-103(8) and 6-109(b)]. An applicant shall be exempt from the requirement of filing a medical report if he/she has within the previous ~~six~~ three (3) months filed a favorable medical report with the Department. If an applicant fails the road test a seventh or subsequent time, he/she must wait until the next business day before attempting the test again.

- d) The provisions of this Section do not apply to applicants who are upgrading their driver's license classification.

(Source: Amended at 18 Ill. Reg. 16457, effective 06/24/1994)

Section 1030.120 Issuance of a Probationary License

a) Definitions:

For the purpose of this Section, the following ~~terms shall have these~~ meanings definitions shall apply:

- 3) "Cleared Miscellaneous Suspension" - suspensions for safety responsibility, financial responsibility, unsatisfied judgments, warrant parking/traffic, auto emissions, failure to appear, or curfew which are no longer in effect.

- 2) "Driver Improvement Course" - an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. This course shall consist of individual counseling and/or group sessions of instruction and shall not exceed two sessions or a total of nine hours of instruction.

- 1) "Probationary License" - a special license granting full driving privileges during a period of suspension; the license is issued upon successful completion of a driver improvement course.

- 5) "Suspension of Driving Privileges" - the temporary withdrawal by formal action by the Secretary to operate a motor vehicle on public highways for a period specifically designated by the Secretary. See Section 1-204 of the Illinois Vehicle Code.

- 4) "Valid Driver's License" - a license issued by the Illinois Secretary of State which is not currently expired, suspended, invalidated, revoked, or ~~canceled~~ canceled.

- b) A person whose driving privileges have been suspended under Section 6-206(a)(2) of the Illinois Vehicle Code (~~1987~~ 1991, ch. 95 1/2, par. 6-206(a)(2)) [625 ILCS 5/6-206 (a)(2)] for conviction of not less than three (3) offenses committed within a twelve (12) month period against traffic regulations governing the movement of vehicles shall qualify for probationary license if the individual meets the following requirements:

- 1) The person is not less than 18 years of age.
- 2) The offenses for which the person was suspended do not exceed seventy-four (74) points as determined by the Illinois Offense Table (92 Ill. Adm. Code 1040.20).
- 3) The individual's driving privileges have not been suspended or revoked within the past seven (7) years, excluding cleared miscellaneous suspensions.
- 4) The individual has not previously or currently been arrested for an offense which requires mandatory revocation upon conviction as stated in Section 6-205 of the Illinois Vehicle Code (~~1987~~ 1991, ch. 95 1/2, par. 6-205) [625 ILCS 5/6-205].
- 5) The individual must have been issued or have qualified for a valid Illinois ~~Driver's License~~ driver's license prior to the suspension suspension's effective date and have no outstanding reinstatement fee, or failure to pay requirements or invalidation by voluntary surrender ~~have been~~ entered to the driving record.
- 6) The individual has successfully completed a driver improvement course.
- 7) The individual completes an application and submits the required fees, including the \$8.00 probationary license fee, and surrenders his current driver's license.
- 8) The individual's driver's license is not invalidated by a no driving order from the court.

(Source: Amended at 18 Ill. Reg. 16457, effective 06/24/1994)

ILLINOIS COMMERCE COMMISSION
NOTICE OF EMERGENCY AMENDMENT

ILLINOIS COMMERCE COMMISSION
NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Fees and Taxes

2) Code Citation: 92 Ill. Adm. Code 1205

3) Section Numbers: Emergency Action:

1205.100

Amendment

4) Statutory Authority:

Implementing Sections 18c-1202(9), 18c-1501, 18c-1502, and 18c-5102 and authorized by Section 18c-1202(9), 18c-1501, 18c-1502, and 18c-5102 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202(9), 18c-1501, 18c-1502, and 18c-5102]

5) Effective Date of Amendment: October 21, 1994

6) If this emergency amendment is to expire before the end of the 150 day period, please specify the date on which it is to expire: N/A

7) Date filed in agency's principal office: October 21, 1994

8) Reason for Emergency: Federal preemption of State law.

9) A complete description of the Subjects and Issues involved:

HB 2739 was passed by both the U.S. House and Senate on August 8, 1994, and signed by the President on August 23. Section 211 of the bill preempts states from regulating the rates, routes and services of intrastate for-hire motor carriage effective January 1, 1995. The legislation reserves the states' ability to oversee safety and insurance and to issue certification with regard to those activities. This amendment changes the per vehicle certification fee for all intrastate motor carriers of property (except household goods) from \$25.00 to \$6.00.

10) Are there any amendments to this Part pending?: No

11) Statement of Statewide Policy Objectives:

This emergency amendment neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

12) The name, address and telephone number of the person to whom information and questions regarding this emergency amendment should be directed:

Kathy Campbell
Illinois Commerce Commission
527 East Capitol Avenue

Springfield, Illinois 62794
Ph. 217/785-4869

The full text of the Emergency Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENT

TITLE 92: TRANSPORTATION

CHAPTER III: ILLINOIS COMMERCE COMMISSION

SUBCHAPTER a: COMMERCIAL TRANSPORTATION GENERALLY

PART 1205

FEES AND TAXES

SUBPART A: FILING FEES

Section

1205.10 Filing Fees

1205.20 Late-Filing Fees (Repealed)

SUBPART B: FRANCHISE-AND-FRANCHISE-RENEWAL-FEES ANNUAL VEHICLE

FEES

Section

1205.100 Intrastate Motor Carriers of Property

EMERGENCY

1205.110 Interstate Motor Carriers of Property

1205.115 Ordering Fees

SUBPART C: GROSS RECEIPTS TAXES

Section

1205.200 Gross Receipts Taxes for Motor Carriers of Passengers (Repealed)

1205.210 Gross Receipts Taxes for Rail Carriers

1205.220 Gross Receipts Taxes for Common Carrier Pipelines

SUBPART D: PAYMENT PROCEDURES

Section

1205.300 Payment of Fees

AUTHORITY: Implementing Sections 18c-1202(9), 18c-1501, 18c-1502, and 18c-5102 and authorized by Section 18c-1202(9), 18c-1501, 18c-1502, and 18c-5102 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202(9), 18c-1501, 18c-1502 and 18c-5102].

SOURCE: Emergency rules adopted at 11 Ill. Reg. 1497, effective January 1, 1987, for a maximum of 150 days; adopted at 11 Ill. Reg. 9853, effective May 8, 1987; amended at 12 Ill. Reg. 15540, effective October 1, 1988; amended at 13 Ill. Reg. 11460, effective July 1, 1989; amended at 18 Ill. Reg. 11155, effective July 1, 1994; emergency amendment at 18 Ill. Reg. 16164, effective OCT 21 1994, for a maximum of 150 days.

SUBPART B: FRANCHISE-AND-FRANCHISE-RENEWAL-FEES ANNUAL VEHICLE FEES

Section 1205.100 Intrastate Motor Carriers of Property

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENT

EMERGENCY

a) The annual franchise and franchise renewal fee for each vehicle operated by or under authority of an intrastate motor carrier of property authorized to transport household goods is \$25.00 whether or not the vehicle is used in the transport of household goods for calendar-1988-and-subsequent-years.

b) For calendar year 1995 and subsequent years, the annual fee for each vehicle operated by an intrastate motor carrier of property (other than household goods), is \$6.00.

(Source: Repealed amendment at 18 Ill. Reg. 16164, effective OCT 21 1994, for a maximum of 150 days)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Services
- 2) Code Citation: 89 Ill. Adm. Code 590
- 3) Section Numbers: Emergency Action:
 590.320 Amendment
 590.370 Repealed
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434) [20 ILCS 2405/3], and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16].
- 5) Effective Date of Rule(s) (Amendments, Repealer): October 20, 1994
- 6) If this emergency rule (amendment, repealer) is to expire before the end of the 150-day period, please specify the date on which it is to expire:

7) Date Filed in Agency's Principal Office: October 20, 1994

8) Reason for Emergency: The 1992 Amendments to the Rehabilitation Act of 1973 (Act), and the resultant proposed regulations, state that no limits may be put on services which automatically exclude any individual form being able to receive a particular service. The \$7,000 limit in DORS' participation in Business Enterprise Program, as found at 89 Ill. Adm. Code 590.370 violates the provisions of the Act and Regulations.

However, the Act and Regulations do allow for DORS to put reasonable limits on the provision of such services to ensure consumers are receiving appropriate services and funds are being appropriately expended. Therefore, additional criteria for qualifications for such services have been added at 89 Ill. Adm. Code 590.310. These added provisions are necessary to regulate this particular program of services. Failure to adequately regulate expenditures for BEPs would ultimately put DORS in violation of the Act and Regulations in that DORS would be ignoring its fiduciary responsibilities. Further, failure to add additional criteria for provision of such services could ultimately result in total depletion of DORS' budget for services putting the life, health, and safety of DORS' consumers participating in other programs at risk.

9) A Complete Description of the Subject and Issues Involved:

10) Are there any other amendments pending on this Part? Yes

| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
|------------------------|------------------------|-----------------------------------|
| 590.400 | Amendments | 14627 |
| 590.410 | Amendments | 14627 |

11) Statement of Statewide Policy Objectives (if applicable): Not Applicable

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 12) Information and questions regarding this rule (amendment, repealer) shall be directed to:

Ms. Susan Warner, Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
 TTD/TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the emergency Amendments begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES

SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 590
SERVICES

SUBPART A: APPLICABILITY

Section

590.10 General Applicability
590.20 Availability of Services
590.30 Effect of Financial Status on Services
590.35 Effect of Comparable Benefits
590.40 Choice of Service Providers

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section

590.50 Provision of Services
590.60 Qualification of Medical and Psychological Service Providers
590.70 Treatment of Acute Conditions
590.80 Medication and Treatment
590.90 Hearing Aids
590.100 Binaural Hearing Aids
590.110 Speech and Language Services
590.120 Low Vision Aids
590.130 Mental Restoration Services
590.140 Heart Surgeries
590.150 Kidney Transplant and Related Services
590.160 Chiropractic Services
590.170 Prosthetic and Orthotic Device
590.180 Wheelchairs
590.190 Prohibited Services

SUBPART C: TRAINING AND RELATED SERVICES

Section

590.200 Provision of Services
590.210 Qualification of Training Facilities/Institutions
590.220 Purpose and Types of Training
590.230 Financial Guidelines for Training Services
590.240 Graduate School Training
590.250 Choice of Training Facility/Institution
590.260 Summer School
590.270 Grades
590.280 Health Status
590.290 On-the-Job Training
590.300 Default on Educational Loans

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF EMERGENCY AMENDMENTS

SUBPART D: TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

Section

590.310 Provision of Services
590.320 Self-Employment Program
EMERGENCY
590.330 Services/Goods not Available
590.340 Bidding Requirements
590.350 Recovery of Tools, Equipment, Supplies and Initial Stock
590.360 Transfer of Title
590.370 Limitation of Financial Participation (Repealed)
EMERGENCY

SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section

590.375 Provision of Services
590.380 Vendor Requirements
590.390 Bidding Requirements
590.400 Vehicle Adaptation
590.410 DORS Financial Participation in Van Adaptation
590.420 Environmental Modification
590.430 Written Agreements for Environmental Modification
590.440 Compliance with Capital Development Board Specifications

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section

590.450 Provision of Services
590.460 Types of Services
590.470 Services
590.480 Qualifications for Services Provided by Individuals
590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section

590.500 Provision of Services
590.510 Definitions
590.520 Purpose of Equipment Loans
590.530 Criteria for Loan of Equipment/Aids
590.540 Equipment/Aids Loan Request Procedures and Approval Process
590.550 Duration of Loans
590.560 Maintenance and Return of Equipment/Aids
590.570 Assistance in Obtaining Permanent Equipment/Aids
590.580 Limitations on Available Equipment/Aids

SUBPART H: OTHER SERVICES

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section

590.590 Provision of Services
 590.600 Transportation and Temporary Lodging
 590.610 Other Goods and Services
 590.620 Equipment Sets

SUBPART I: PLACEMENT

Section

590.630 Provision of Placement Services
 590.640 Description of Services

SUBPART J: MAINTENANCE

Section

590.650 Provision of Services
 590.660 Definitions
 590.670 Determination of the Need for Maintenance
 590.675 Determination of Client Financial Participation in Maintenance
 590.680 Exceptions to Basic Needs Level

SUBPART K: POST-EMPLOYMENT SERVICES

Section

590.700 Provision of Services
 590.710 Definitions
 590.720 Scope of Services

SUBPART L: TRANSITION

Section

590.730 Provision of Services
 590.740 Definitions
 590.750 Secondary Transitional Experience Program (STEP)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434) [20 ILCS 2405/3], and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16]

SOURCE: Emergency Rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20461, effective November 15, 1993; amended at 18 Ill. Reg. 11275, effective June 30, 1994; emergency amendments at 18 Ill. Reg. 16468, effective OCT 2, 1994, for a maximum of 150 days.

Section 590.320 Self-Employment Program EMERGENCY

- a) Those tools, equipment, supplies and initial stock necessary to begin a specific business may be provided to a client in order for him/her

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF EMERGENCY AMENDMENTS

to obtain a successful employment outcome when it has been determined self-employment is a realistic employment goal for the individual. As with any employment goal, an objective of self-employment shall be to enable the individual to engage in gainful employment which will generate income at a level to meet the majority of his/her anticipated living expenses. Further, the vocational goal must be reasonable for the individual based on his/her anticipation potential for success. The determination of potential for success shall be based on the client's prior successful business operation experience, and/or previous formal education and/or training in business and business operation, as indicated by a two or four year degree in business/financial management or a related field, and/or documented evidence that self-employment is a viable employment option for the customer. All tools, equipment, supplies and initial stock purchased for a client must be specifically listed in the client's IWRP (89 Ill. Adm. Code 572).

- b) The services described in this Subpart shall not be provided to any client when, as a result of the Comprehensive Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553.100) (Assessment), there is evidence that an option other than self-employment exists which will provide the client with an equal or greater opportunity for a successful employment outcome. Determination of success must be made by the client and counselor during the Assessment phase of case development.
- c) Prior to the provision of such services, the client must complete a business plan for development of the business. The business plan shall include, but not be limited to:

- 1) a full description of the proposed business or service operation;
 - 2) the client's qualifications for, interest in, and need for self-employment as an employment outcome as evidenced by the client's Assessment;
 - 3) the estimated total capital needs for the establishment of the business and evidence of the availability of such funds (i.e., personal account statements, verification of loan availability, complete listing of all personal liabilities);
 - 4) financial estimates for the first 12 months of operation;
 - 5) plans for business development and marketing;
 - 6) evidence the proposed business has a reasonable chance of success (i.e., provide net income to meet a majority of the client's living expenses) as established by:
 - A) market surveys;
 - B) signed statements from consultants and experts that the business has a reasonable chance of success based on market conditions, demand and competition; and
 - 7) commitment for additional financing necessary to make the business operational.
- d) During the first six months of operation, the client must provide monthly statements to the counselor detailing the financial activity of the business, including a statement of profit or loss.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- e) At a minimum after the first three months and six months of operation, the client must provide the counselor full detailed inventory of all tools, equipment, supplies and stock purchased to establish the business, regardless of the purchaser. Frequency of the inventory shall be determined by the counselor and appropriate DORS staff.
- f) All tools, equipment, supplies and initial stock shall be maintained by the client in good order. The client is expected to maintain all tools, equipment, supplies and initial stock in like-new condition. The client must ensure all proper up-keep and maintenance is done as specified by the manufacturer. In the event of break-down or defect, the client must have the item repaired. As most items carry a manufacturer warranty, all costs should be covered under such provisions.
- g) The client is expected to maintain and replenish an adequate supply of all initial stock and supplies.
- h) DORS shall maintain title to all tools, equipment, supplies and initial stock for at least the first six months of operation of the business enterprise. Disposition of the title shall be determined per 89 Ill. Adm. Code 590.350 and 590.360.

(Source: ~~Emergency~~ amendment at 18 Ill. Reg. 16468, effective OCT 20 1994, for a maximum of 150 days)

Section 590.370 Limitation of Financial Participation (Repealed)
EMERGENCY

~~DORS financial participation in the establishment of a business for an individual client shall not exceed \$7000.00.~~

(Source: Emergency repealer at 18 Ill. Reg. 16468, effective OCT 20 1994, for a maximum of 150 days)

OFFICE OF THE COMPTROLLER

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: Illinois Funeral or Burial Funds Act
- 2) Code Citation: 38 Ill. Adm. Code 610
- 3) Register Citation to Notice of Proposed Rules:
18 Ill. Reg. 8172 (May 27, 1994)
- 4) Date, Time, and Location of Public Hearing:
November 29, 1994
10:00 a.m.
Illinois State Library Room 403
300 South Second Street
Springfield, Illinois 62701
- 5) Other Pertinent Information:

The hearing will be held for the sole purpose of gathering public comment on the proposed Rules. Persons interested in presenting testimony at the hearing are advised that the Comptroller's Office will adhere to the following procedures in the conduct of the hearing:

1. No oral testimony shall exceed an aggregate of twenty (20) minutes.
2. Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
3. No person will be recognized to speak for a second time until all persons wishing to testify have done so.
4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedure, including the order of call of witnesses, as he/she deems necessary.

6) Name and Address of Agency Contact Person:

Perry L. Miller
Assistant Legal Counsel
Office of the Comptroller
Room 201 Statehouse
Springfield, Illinois 62706

Questions regarding these proposed Rules or the public hearing shall be directed to:

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 18, 1994 through October 24, 1994, and have been scheduled for review by the Committee at its November 15, 1994 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

| Second Notice Expires | Agency and Rule | Start of First Notice | JCAR Meeting |
|-----------------------|--|--------------------------------|--------------|
| 12/1/94 | Commissioner of Banks and Trust Companies, Unimpaired Capital and Unimpaired Surplus (38 Ill Adm Code 335) | 9/2/94 18 Ill Reg 13169 | 11/15/94 |
| 12/1/94 | Department of Public Aid, Refugee/Entrant/Repatriate Program (89 Ill Adm Code 115) | 6/24/94 18 Ill Reg 9346 | 11/15/94 |
| 12/3/94 | Illinois Commerce Commission, Uniform System of Accounts for Electric Utilities (83 Ill Adm Code 415) | 3/25/94 18 Ill Reg 4490 | 11/15/94 |
| 12/3/94 | Illinois Commerce Commission, Uniform Electric Fuel Adjustment (83 Ill Adm Code 425) | 3/25/94 18 Ill Reg 4483 | 11/15/94 |
| 12/3/94 | Department of Financial Institutions, Uniform Disposition of Unclaimed Property Act (38 Ill Adm Code 180) | 8/12/94 18 Ill Reg 12085 | 11/15/94 |
| 12/3/94 | Illinois Community College Board, Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501) | 8/19/94 18 Ill Reg 12575 | 11/15/94 |

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

| Second Notice Expires | Agency and Rule | Start of First Notice | JCAR Meeting |
|-----------------------|--|--------------------------------|--------------|
| 12/4/94 | Pollution Control Board, Mobile Sources (35 Ill Adm Code 240) | 8/5/94 18 Ill Reg 12021 | 11/15/94 |
| 12/4/94 | Department of Public Aid, Hospital Services (89 Ill Adm Code 148) | 8/19/94 18 Ill Reg 12611 | 11/15/94 |
| 12/4/94 | Department of Rehabilitation Services, Application (89 Ill Adm Code 557) | 8/5/94 18 Ill Reg 12048 | 11/15/94 |
| 12/7/94 | Department of Professional Regulation, Professional Counselor and Clinical Professional Counselor Licensing Act (68 Ill Adm Code 1375) | 5/27/94 18 Ill Reg 7986 | 11/15/94 |
| 12/7/94 | Department of Public Health, Control of Sexually Transmissible Diseases Code (77 Ill Adm Code 693) | 6/17/94 18 Ill Reg 8850 | 11/15/94 |
| 12/7/94 | Department of Public Health, AIDS Confidentiality and Testing Code (77 Ill Adm Code 697) | 6/17/94 18 Ill Reg 8840 | 11/15/94 |
| 12/7/94 | Department of Public Health, Breast and Cervical Cancer Research Fund Rules (77 Ill Adm Code 970) | 6/24/94 18 Ill Reg 9354 | 11/15/94 |
| 12/7/94 | Department of Public Health/Health Facilities Planning Board, Health Facilities Planning Procedural Rules (77 Ill Adm Code 1130) | 6/17/94 18 Ill Reg 8867 | 11/15/94 |

PROCLAMATIONS

94-576

BAIT-UR-REHMAN MOSQUE INAUGURATION RECOGNIZED

Whereas, the Ahmadiyya Movement in Islam was founded by Hazrat Mirza Ghulam Ahmad in 1889; and

Whereas, the world-wide Ahmadiyya Movement is now established in 140 countries and started its work in the United States of America in 1942; and

Whereas, in celebration, the Ahmadiyya Muslim community along with the Supreme Head are coming together to inaugurate Bait-ur- Rehman, the largest mosque in the Washington Metropolitan area; and

Therefore, I, Jim Edgar, Governor of the State of Illinois, recognize the inauguration of BAIT-UR-REHMAN MOSQUE on October 14, 1994, in Illinois.

Issued by the Governor October 12, 1994.

Filed with the Secretary of State October 20, 1994.

95-577

CHARACTER COUNTS WEEK

Whereas, the next generation will be the stewards of our communities, nation, and planet in extraordinarily critical times, and the present and future well-being of our society requires an involves, caring citizenry with good moral character; and

Whereas, people do not automatically develop good moral character; conscientious efforts must be made to help young people develop the values and abilities necessary for moral decision- making and conduct; and

Whereas, effective character education is based on the core ethical values which comprise the "six pillars of characters: and form the foundation of democratic society -- Trustworthiness, Respect, Responsibility, Fairness, Caring, and Citizenship; and

Whereas, a national partnership of organizations involved in the education, training, or care of more than 30 million young people have joined in a collaborative effort called the Character Counts Coalition, and adopted these core ethical values; and

Whereas, character education is, first and foremost, an obligation to families. It is also an important obligation of governmental entities, as well as businesses, faith communities, and youth and human service organizations; and

Whereas, businesses, large or small in the public or private sector, will benefit from a work force that manifests the six core ethical values; and

Whereas, the State of Illinois endorses the "six pillars of character", commends the Character Counts Coalition on its goal to strengthen the moral fiber of the next generation, urges all citizens to seek out opportunities to incorporate these core ethical values into their work with young people, whether in park and recreation activities, child care programs, community events, or intern and employee training, and encourages all citizens, corporate and individual, to model these traits of good character in an ongoing commitment to promote character development and ethical behavior in the youth of our state;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 16-22, 1994, as CHARACTER COUNTS WEEK in Illinois.

Issued by the Governor October 13, 1994.

Filed with the Secretary of State October 20, 1994.

94-578

DRUNK AND DRUGGED DRIVING PREVENTION MONTH

Whereas, more violent deaths are attributed to traffic crashes than any other cause. In 1993, 1,392 traffic fatalities occurred in Illinois; and

Whereas, approximately 37 percent of fatally injured drivers whose blood was tested have alcohol concentration levels above the legal limit; and

Whereas, reports of motor vehicle crashes involving drivers who have used illegal drugs also are increasing; and

Whereas, while estimates for property damage from drunk driving crashes are in the hundreds of millions of dollars, the cost of drunk driving to society is truly unmeasurable when the suffering of innocent victims is taken into consideration; and

Whereas, citizens deserve a solution to this nationwide health and safety threat; and

Whereas, such a solution requires the cooperation of all levels of government and business, as well as the general public; and

Whereas, the holiday season, traditionally a time of increased crashes, is an appropriate time to focus attention on both the problem and its solution;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 1994 as DRUNK AND DRUGGED DRIVING PREVENTION MONTH in Illinois in conjunction with the national observance. I strongly urge all our citizens to remember: Drive Smart, Drive Sober.

Issued by the Governor October 13, 1994.

Filed with the Secretary of State October 20, 1994.

94-579

LIONESS CAMEL DAY

Whereas, the Lioness Clubs of Illinois tirelessly donate their time to ongoing efforts to help the blind, visually impaired, deaf, and hearing impaired; and

Whereas, the Lioness Clubs of Illinois are sponsoring Lioness Caramel Day for Sight and Sound throughout our state May 6, 1994; and

Whereas, Caramel Day is being held under the auspices of the Lions of Illinois Foundation, a nonprofit organization; and

Whereas, Illinois residents will benefit greatly from funds raised on Caramel Day;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 6, 1994, as LIONESS CAMEL DAY in Illinois and urge citizens to support this worthwhile endeavor.

Issued by the Governor October 13, 1994.

Filed with the Secretary of State October 20, 1994.

94-580

SAFE SCHOOLS WEEK

Whereas, schools make substantial contributions to the future of America and to the development of our nation's young people as knowledgeable, responsible, and productive citizens; and

Whereas, excellence in education is dependent on safe, secure, and

peaceful school settings; and

Whereas, the safety and well-being of many students, teachers, and school staff are unnecessarily jeopardized by crime and violence, such as substance abuse, gangs, bullying, poor discipline, vandalism, and absenteeism in our schools; and

Whereas, it is the responsibility of all citizens to enhance the learning experience of young people by helping to ensure fair and effective discipline, promote good citizenship, and generally make schools safe and secure; and

Whereas, our leaders, especially those in education, law enforcement, government, and business, should jointly strive to focus public attention on school safety and identify, develop, and promote innovative answers to critical issues; and

Whereas, programs of numerous schools and school districts throughout Illinois, along with national programs, are among the keys to focusing public attention on school safety;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 16-22, 1994, as SAFE SCHOOLS WEEK in Illinois and urge all public officials and citizens to work together to make our schools safe, secure and peaceful places for learning, teaching, and working, free of drugs, alcohol, weapons, and fear.

Issued by the Governor October 13, 1994.

Filed with the Secretary of State October 20, 1994.

94-581

WORLD FOOD DAY

Whereas, millions of people throughout the world experience hunger and chronic malnutrition daily; and

Whereas, children suffer the most adverse effects of hunger and malnutrition, with millions dying or suffering permanent physical or mental impairment; and

Whereas, the United States is the world's largest producer and exporter of food and agricultural technology, and it assumes a key role in improving human nutrition among the less developed countries; and

Whereas, Illinois is a national and international leader in food production, food processing, agricultural exports, and related technology and, therefore, can contribute significantly to the global food system;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 16, 1994, as WORLD FOOD DAY in Illinois.

Issued by the Governor October 13, 1994.

Filed with the Secretary of State October 20, 1994.

94-582

CORRECTIONAL INDUSTRIES WEEK

Whereas, the National Association of Institutional Agribusiness was founded to sponsor discussions of mutual problems, pooling and exchange of useful ideas, development of organized studies, and other activities designed to increase the contributions of institutional farms, while aiding the treatment of inmates or patients and the economy of the respective institutions; and

Whereas, the Illinois Correctional Industries will host the annual meeting of the association in Springfield October 18-20, 1994; and

Whereas, the members of the National Association of Institutional Agribusiness are committed to the goals of developing innate skills so they may seek long-term employment in the food processing industry upon release, while curtailing the expense of feeding the increasing prison population; and

Whereas, their efforts contribute to the economical use of tax dollars in the operations of correctional systems throughout our nation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 17-21, 1994, as CORRECTIONAL INDUSTRIES WEEK in Illinois.

Issued by the Governor October 14, 1994.

Filed with the Secretary of State October 20, 1994.

94-583

ESTONIAN DAY

Whereas, October 1994 marks the 50th anniversary of the Red Army's re-invasion and occupation of Estonia; and

Whereas, on October 23, 1994, at the Estonian House of Chicago, Estonian Lane, Lincolnshire, Illinois, Dr. Vaino Raag will discuss his escape from Moero, a ship that was sunk by Russian torpedo-planes drowning approximately 2,000 Estonians; and

Whereas, the re-invasion resulted in many Estonians leaving their homeland to come to the United States, where they have greatly contributed to our culture and communities in both Illinois and throughout the United States; and

Whereas, the Estonian House continues the Estonian heritage, culture, and traditions;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 23, 1994, as ESTONIAN DAY in Illinois.

Issued by the Governor October 14, 1994.

Filed with the Secretary of State October 20, 1994.

94-584

FRANK SINATRA DAY

Whereas, Mr. Sinatra's philanthropic causes have benefited many national as well as international organizations, such as the Red Cross, World Mercy Fund, Cabrini Medical Center, the National Multiple Sclerosis Society, Memorial Sloan-Kettering Cancer Center, Hebrew University, the New York City PAL, and Villa Scalabrini in Northlake, Illinois; and

Whereas, Mr. Sinatra served as producer and director for both of President Reagan's Inaugural Galas in 1981 and 1985; and

Whereas, Mr. Sinatra's numerous honors of distinction include the Jean Hersholt Humanitarian Award, presented to him by the Academy of Motion Picture Arts and Sciences, and Variety Clubs International saluted him by naming a Seattle Hospital wing for chronically ill children the Sinatra Family Wing; and

Whereas, Mr. Sinatra holds the world record for the largest audience ever to attend a soloist concert at Rio de Janeiro's Maracana Soccer Stadium; and

Whereas, Mr. Sinatra's Oscar-winning documentary, "The House I Live In", made a eloquent plea for an end to prejudice of all kinds; and

Whereas, Mr. Sinatra's extraordinary career has brought him to Illinois many times over the past 50 years to perform in Chicago, Aurora, Moline, Rockford, Champaign, Northbrook, and Hickory Hills;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 22, 1994, as FRANK SINATRA DAY in Illinois.

Issued by the Governor October 14, 1994.
Filed with the Secretary of State October 20, 1994.

**94-585
HONG KONG DAYS**

Whereas, HongKong -- USA '94 is the largest business and cultural showcase on Hong Kong ever staged in the United States. Organized as a joint government and private sector project, the program aims at reinforcing the understanding of Hong Kong among Americans, as well as promoting the vital role the USA -- Hong Kong partnership plays in the development of the Asia-Pacific region; and

Whereas, being a major state trading with Hong Kong, the State of Illinois is most happy to have the opportunity to join with Hong Kong to explore the tremendous opportunities offered by the Asian-Pacific region, as well as to build stronger economic relations which will work to the benefit of both communities across the world; and

Whereas, the architectural exhibition, the Hong Kong Film Exhibitions, the business seminar, and the gala dinner of the HongKong -- USA '94 project will stand to be the milestone for cultivating a better appreciation of the various facets of cultural and economic life of two great communities -- Illinois and Hong Kong;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 18-20, 1994, as HONG KONG DAYS in Illinois in recognition of the importance of these events.

Issued by the Governor October 14, 1994.
Filed with the Secretary of State October 20, 1994.

**94-586
LASALLE BANKS CHICAGO MARATHON WEEK**

Whereas, the LaSalle Banks Chicago Marathon, with the dedicated hard work of Major Events, Inc., the commitment by LaSalle Banks to serve as multi-year title sponsor, and the support of 27 other major sponsors, has been re-energized through greater participation and sponsorship; and

Whereas, more than 12,000 entrants will kick off the race on Sunday, October 30 at 8 a.m.; and

Whereas, Olympic Gold Medalist Joan Benoit Samuelson, who was the 1985 female Chicago Marathon winner, and Kenyan Cosmas Ndeti, who was a two-time winner of the Boston Marathon, will be running with hopes to break his own world record; and

Whereas, more than 3,000 volunteers from 25 communities are set to stage the race with help from 1,000 Chicago Police, Park District, Public Works, and Streets and Sanitation Department employees; and

Whereas, the new prize is a \$200,000 purse which puts this competition on the same level with the New York and Boston Marathons; and

Whereas, an expected 200,000 people are expected to line the city's lakefront and ethnic neighborhoods with music/refreshment tents at various locations;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 24-30, 1994, as the LASALLE BANKS CHICAGO MARATHON WEEK in Illinois and wish all participating in the 17th running marathon good luck.

Issued by the Governor October 14, 1994.
Filed with the Secretary of State October 20, 1994.

**94-587
PHILANTHROPY WEEK**

Whereas, November 15, 1994, is being designated as National Philanthropy Day with the theme "Explore the Spirit of Giving-Youth and Philanthropy"; and

Whereas, the observation will entail recognition of the schools, churches, museums, art and music centers, youth groups, hospitals, research institutions, community service institutions, the institutions and organizations that aid and comfort disadvantaged, sick, or elderly individuals, and the volunteers who donate their time, talent, or financial resources; and

Whereas, philanthropic organizations are responsible for enhancing the quality of life for Illinoisans, and a state philanthropy week would give our citizens the opportunity to demonstrate their gratitude and support for philanthropic organizations and the individuals who carry out the organizations' missions;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 13-19, 1994, as PHILANTHROPY WEEK in Illinois.

Issued by the Governor October 14, 1994.

Filed with the Secretary of State October 20, 1994.

**94-588
RUTH VAN DREW DAY**

Whereas, Ruth Van Drew began her journalistic career at Buda High School, where she wrote for the "Purple Spotlight" newspaper; and

Whereas, Ruth represented her school at the National High School Newspaper Convention in Detroit; and

Whereas, Ruth has been a columnist with the Sheffield Bulletin and the Bureau County Republican for 30 years, penning the "Neighbor News" and the "Buda News" columns; and

Whereas, Ruth talks to WGN radio host Spike O'Dell every month as his country counterpart, chatting about small town news from Buda; and

Whereas, Ruth loves watching and writing about the birds on her bird feeder; and

Whereas, Ruth bakes the best cherry pies in the State of Illinois; and

Whereas, Ruth always has the coffee pot on and her back door is a revolving door;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 21, 1994, as RUTH VAN DREW DAY in Illinois in honor of Ruth's 75th birthday and with best wishes for continued success of her newspaper columns.

Issued by the Governor October 14, 1994.

Filed with the Secretary of State October 20, 1994.

**94-589
TERI BROST DAY**

Whereas, the New Lenox Chamber of Commerce has chosen Mrs. Teri Brost as the 1994 Citizens of the Year; and

Whereas, Teri is a social worker at Indian Trails High School in Plainfield and is presently a member of the Lincoln-Way High School Board of Education. She has been involved with the Lincoln-Way Athletic Booster Club, serving as president for three years and has also served as treasurer. She has been a volunteer at the PADS homeless shelter in Joliet and recently received a

"someone special in the community" award from radio station WJTW for her community service; and

Whereas, Teri received an outstanding citizen award from the high school board in 1993 for her many hours of volunteer service toward helping pass a \$27 million school referendum, service to the school, and her many contributions to school activities. She also served on the executive board for the Cadet World Wrestling Championships and organized the opening, closing and awards ceremonies in which 43 countries were represented; and

Whereas, Mrs. Brost worked at the Educational Fair at Joliet Junior College and serves as an alternate on a special education committee for Lincoln-Way High School; and

Whereas, Teri's greatest involvement has been with the youth in the community, most notably through the high school athletic boosters and serving on the high school board; and

Whereas, she is a member of the Illinois School Social Work Organization and the Illinois School Board Association, and she is a member of St. Jude's Church in New Lenox; and

Whereas, Teri has shown dedication and commitment in every task she undertakes and is truly a giving and caring person most deserving of this award;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 22, 1994, as TERI BROST DAY in Illinois in recognition of her well-deserved New Lenox Citizen of the Year award.

Issued by the Governor October 14, 1994.

Filed with the Secretary of State October 20, 1994.

94-590

HIGH TECHNOLOGY WEEK

Whereas, the State of Illinois salutes the 11th annual Illinois High Tech Awards, established by KPMG Peat Marwick to honor high tech entrepreneurs who have made significant contributions to the development of technology in the state; and

Whereas, high tech entrepreneurs will be honored on November 21, 1994, at the Ritz-Carlton Hotel in Chicago, when winners and finalists who have successfully organized, developed, or managed a high technology concept into a commercial product will be announced; and

Whereas, KPMG Peat Marwick, one of the world's largest professional service firms, established the awards in 1994 to encourage high technology growth in Illinois by publicizing local entrepreneurs and their success stories to encourage other business professionals to take advantage of the countless resources available locally and to strengthen the already sound business climate that exists; and

Whereas, Illinois employs 580,000 people in high technology companies, including global leaders such as Tellabs, Inc., U.S. Robotics, Inc. Zebra Technologies Corporation, and PLATINUM technology, inc.; and

Whereas, Illinois is recognized nationally for its renowned research institutes and universities including the Fermi National Accelerator Laboratory, University of Illinois, Northwestern University, Illinois Institute of Technology, University of Chicago, and Agronne National Laboratory;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 20-26, 1994, as HIGH TECHNOLOGY WEEK in Illinois and welcome all citizens to participate in this significant event and applaud the efforts and

hard work of these entrepreneurs.

Issued by the Governor October 15, 1994.

Filed with the Secretary of State October 20, 1994.

94-591

BIOMEDICAL RESEARCH DAY

Whereas, since 1900 biomedical research has helped increase life expectancy of people in the United States by 25 years through the development of vaccines, antibiotics, and anti-infective drugs; and

Whereas, biomedical research has led to the development of drugs and vaccines that safeguard the animals we raise and the food we consume, protecting the health of such animals as cattle, hogs, sheep, and chickens. This research has also contributed to the health and well-being of animals through vaccines for parvovirus, infectious canine hepatitis, rabies, distemper, anthrax, tetanus and feline leukemia, and has helped the prospects of endangered species by reducing disease and promoting reproduction; and

Whereas, biomedical researchers are working diligently toward cures for diseases such as AIDS, Alzheimer's Disease, cancer, arthritis, diabetes, epilepsy, multiple sclerosis, heart and lung diseases, mental illnesses, and countless other diseases that affect millions of people in the United States; and

Whereas, biomedical research offers the best hope for breakthrough in the prevention, detection, and treatment of diseases in the future; and

Whereas, the State of Illinois has consistently demonstrated a financial commitment to maintaining the preeminence of biomedical research through the support of academic and private institutions; and

Whereas, the products of biomedical research contribute to the health of the United States' economy by reducing medical costs through prevention of various diseases and by furthering the success of our country in international commerce and trade;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 21, 1994, as BIOMEDICAL RESEARCH DAY in Illinois and let a proud and grateful citizenry join together in celebration of the research community and the hope it offers for greater health and safety for all.

Issued by the Governor October 17, 1994.

Filed with the Secretary of State October 20, 1994.

94-592

MAKE A DIFFERENCE DAY

Whereas, each day compassionate and dedicated citizens are taking up the cause of volunteerism to help make a difference in their communities; and

Whereas, these volunteers come from all walks of life, are of every race, religion, and creed, and represent every socio-economic level in our state; and

Whereas, these caring Illinoisans are continuing a tradition of civic service that has long been one of our state's strengths and I am pleased that the spirit of volunteerism is alive and well; and

Whereas, Make a Difference Day was created by USA Weekend magazine as a day of community service to encourage Americans to devote themselves to improving the lives of others; and

Whereas, this year, citizens throughout the United States will be observing the fourth Make a Difference Day on October 22, 1994;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 22, 1994, as MAKE A DIFFERENCE DAY in Illinois and urge all citizens to heed this call to do something good on behalf of a friend, family member, neighbor, or your community.

Issued by the Governor October 17, 1994.

Filed with the Secretary of State October 20, 1994.

94-593

MEETINGS INDUSTRY DAY

Whereas, the Meetings Industry Council of Chicago works together to promote cooperation and communication among regional and national meeting organizations; and

Whereas, the mission and goals of the organizations are to provide leadership and focus for its members and related organizations; maintain professionalism among the member organizations; encourage education, positive interaction, and partnerships among its representatives; evaluate and address strategic issues affecting the industry; and foster a partnership with industry and government to offer guidance in matters directly impacting the meetings industry; and

Whereas, the Meetings Industry Council of Chicago strives to educate the general public and others interested in the industry and work toward a common purpose for the benefit of the meetings industry and Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 2, 1994, as MEETINGS INDUSTRY DAY in Illinois in conjunction with the national observance.

Issued by the Governor October 17, 1994.

Filed with the Secretary of State October 20, 1994.

94-594

ENVIRONMENTAL HEALTH PRACTITIONERS WEEK

Whereas, the Illinois Environmental Health Association represents professional environmental health practitioners in the State of Illinois; and

Whereas, professional environmental health practitioners, trained in biological and sanitary sciences, examine all aspects of the physical and social environment, define and report environmental conditions, and recommend improvements; and

Whereas, practitioners serving in industry and in the field of public health are concerned with the education and inspection necessary to maintain the safe processing and distribution of food, clean housing, vector control, radiological health, and minimum environmental pollution; and

Whereas, the Illinois Environmental Health Association will be holding its Annual Educational Conference October 24-25 in Peoria;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 23-25, 1994, as ENVIRONMENTAL HEALTH PRACTITIONERS WEEK in Illinois in recognition of the Illinois Environmental Health Association and its contributions to the health and welfare of all citizens.

Issued by the Governor October 18, 1994.

Filed with the Secretary of State October 20, 1994.

94-595

FRANCE W. MCKNIGHT DAY

Whereas, France W. McKnight was born November 30, 1918, in Carthage, Missouri; and

Whereas, he married Elionora Stover on February 25, 1937, and they had four children; and

Whereas, France W. McKnight has dedicated 50 years of faithful service since his ordination in 1944; and

Whereas, he has sought to benefit mankind by the most noble calling of preaching God's Word; and

Whereas, Pastor McKnight graduated from Rockmont Bible College and received an Honorary Doctorate Degree from Pillsbury Bible College; and

Whereas, he has faithfully pastored many churches around the United States, including the First Baptist Church in Danville, Illinois; and

Whereas, he has also dedicated his time to preaching in local jails, teaching Greek, and caring for his wife and family;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 23, 1994, as FRANCE W. MCKNIGHT DAY in Illinois and commend him for his 50 years of tireless dedication to preaching God's Holy Word.

Issued by the Governor October 18, 1994.

Filed with the Secretary of State October 20, 1994.

94-596

FUTURES AND OPTIONS WEEK

Whereas, approximately one-third of all futures and options trades take place in Chicago, the world capital of the futures industry; and

Whereas, investors and businesses of all types, in every corner of the globe, are using futures and options routinely as the best, most cost-efficient means for managing the risk intrinsic to all economic activity; and

Whereas, technical expertise that continues to be provided by Chicago's futures exchanges to nascent exchanges in Asia, Eastern Europe, and Latin America continues to solidify the city's status as the global center for risk and asset management; and

Whereas, here at home, Chicago's exchanges are vital to economic development, attracting financial institutions and drawing investment capital from every major financial center in the world to Illinois, while generating trades worth some \$200 trillion annually; and

Whereas, the Futures Industry Association will hold its 10th annual exposition, "Futures and Options Expo '94," in Chicago during the week of October 30, 1994;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 30-November 5, 1994, as FUTURES AND OPTIONS WEEK in Illinois.

Issued by the Governor October 18, 1994.

Filed with the Secretary of State October 20, 1994.

94-597

MINORITY ENTERPRISE DEVELOPMENT DAY

Whereas, Minority Enterprise Development Week is an annual celebration of the contributions and achievements made by minority businesses in Illinois and throughout the United States; and

Whereas, our state's growth and prosperity depend on the full participation of all Illinois citizens; and

Whereas, it is the policy in Illinois to promote and encourage the

economic development of minority-owned businesses; and

Whereas, for the past 10 years, this state has made great advances in increasing the participation of the minority community in state business; and

Whereas, on October 20, business and professional leaders from across the region will join together at the first Minority Enterprise Development Week Workshop to honor Rockford's minority business entrepreneurs for 1994;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 20, 1994, as MINORITY ENTERPRISE DEVELOPMENT DAY in Illinois in recognition of the contributions and achievements of minority entrepreneurs in Rockford.

Issued by the Governor October 18, 1994.

Filed with the Secretary of State October 20, 1994.

94-598

ORA HIGGINS YOUTH FOUNDATION DAY

Whereas, the Ora Higgins Youth Foundation was founded in 1976 by Ora Higgins, a lady of great vision and great dedication to the cause of higher education for academically-gifted high school graduates; and

Whereas, the foundation will commemorate its 18th anniversary with its annual Scholarship Award Dinner on Sunday, October 30 at the Lexington House; and

Whereas, the foundation will present a \$1,000 scholarship award to each of 11 highly motivated high school graduates pursuing advance studies at institutions of higher education; and

Whereas, the foundation will also present leadership awards to each of 12 distinguished local citizens making major contributions within their respective professions to the growth and development of today's urban youth; and

Whereas, the foundation implements its annual scholarship award program without consideration of race, color, ethnicity, gender, religion, physical disabilities, or national origin; and

Whereas, to convey to its scholarship awardees that the elements of goodwill, of collective labor, of mutual respect, and of law and order are the foundation upon which to build a strong and stable community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 30, 1994, as ORA HIGGINS YOUTH FOUNDATION DAY in Illinois with congratulations to both the recipients of scholarship and leadership awards.

Issued by the Governor October 18, 1994.

Filed with the Secretary of State October 20, 1994.

94-599

WORLD POPULATION AWARENESS WEEK

Whereas, the world population is confronted with a number of potentially catastrophic environmental problems; and

Whereas, in September 1994 more than 180 governments and 1,000 non-governmental organizations convene in Cairo, Egypt -- under the auspices of the United Nations -- to formulate a program of action for world population and development, and issue a comprehensive strategy for the remainder of this century and well into the next; and

Whereas, the population of the world today is 5.6 billion and increases at an unprecedented rate of nearly 100 million per year; and

Whereas, a rapidly growing population and overconsumption are two of the

major causes behind environmental degradation, ecological deterioration, and resource depletion; and

Whereas, studies show that one-half of the women of reproductive age in developing countries want to limit the size of their families but lack the means or ability to gain access to modern family planning methods; and

Whereas, the global community has for more than 20 years recognized the fundamental right of persons to voluntarily and responsibly determine the number and spacing of their children; and

Whereas, in 1993 the United States Senate enacted legislation proclaiming World Population Awareness Week to call attention to the serious consequences of rapid population growth, and requested that the President issue a resolution acknowledging this event; and

Whereas, World Population Awareness Week activities this year will focus on implementation of the 1994 International Conference on Population and Development (ICPD) Program of Action;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 23-30, 1994, as WORLD POPULATION AWARENESS WEEK in Illinois and urge all citizens of the state to take cognizance of this event and to participate appropriately in its observance.

Issued by the Governor October 18, 1994.

Filed with the Secretary of State October 20, 1994.

| ACTION CODES | |
|-----------------------------------|--|
| A - Adopted Rule | P - Proposed Rule |
| AR - Adopted Repealer | PP - Prohibited Filing Order by JCAR* |
| C - Notice of Corrections | PP - Peremptory or Court Ordered Rules |
| CC - Codification Changes | PR - Proposed Repealer |
| E - Emergency Rule | R - Refusal to meet JCAR* Objection |
| ER - Emergency Repealer | RC - Statement of Recommendation |
| M - Modification to meet JCAR* | S - Suspension ordered by JCAR* |
| W - Withdrawal to meet JCAR* | |
| O - JCAR* Statement Of Objections | MR - Modification and Refusal |
| RQ - Request for Correction | |
| EC - Expedited Corrections | |

*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

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| 89 Ill. Adm. Code 240 | Community Care Program (P-14225/93;A-609) (E-5355) (P-5027) (A-13375) |
| 89 Ill. Adm. Code 260 | Long-Term Care Insurance Partnership Demonstration Program (P-3802; A-9895) |
| 89 Ill. Adm. Code 230 | Older Americans Act Program (P-5720) (A-14072) |

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| 8 Ill. Adm. Code 30 | Animal Control Act (P-8972) (A-14891) |
| 8 Ill. Adm. Code 110 | Animal Diagnostic Laboratory Act (P-14717/93;A-1825) (P-8981) (P-9027) |
| 8 Ill. Adm. Code 25 | Animal Welfare Act (P-8993) (A-14898) |
| 8 Ill. Adm. Code 75 | Bovine Brucellosis (P-14728/93;A-1833) |
| 8 Ill. Adm. Code 257 | Cooperative Groundwater Protection Program (P-14288/93; A-205) |
| 8 Ill. Adm. Code 20 | Definitions (P-14793;A-1844) |
| 8 Ill. Adm. Code 85 | Diseased Animals (P-14747/93;A-1850) |
| 8 Ill. Adm. Code 116 | Equine Infectious Anemia Control (P-14761/93;A-1861) |
| 68 Ill. Adm. Code 590 | Feeder Swine Dealer Licensing (P-14765/93;A-1865) |
| 8 Ill. Adm. Code 70 | Horsemeat (P-9003) (A-14906) |
| 8 Ill. Adm. Code 35 | Humane Care for Animals Act (P-9008) (A-14909) |
| 8 Ill. Adm. Code 50 | Humane Slaughter of Livestock (P-9011) (A-14911) |
| 8 Ill. Adm. Code 90 | Illinois Dead Animal Disposal Act (A-14917) |

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| 8 Ill. Adm. Code 270 | Illinois State Fair and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds (P-3164;A-9400) |
| 8 Ill. Adm. Code 40 | Livestock Auction Markets (P-14769/93;A-1869) |
| 68 Ill. Adm. Code 610 | Livestock Dealer Licensing (P-14775/93;A-1875) |
| 8 Ill. Adm. Code 125 | Meat and Poultry Inspection Act (PP-304) (PP-2164) (P-3809;A-4622) (PP-6442) (PP-8493) (A-11489) (PP-12540) (PP-14475) (A-14924) (PP-15452) |
| 8 Ill. Adm. Code 515 | Refrigerated Warehouse Act (P-9033) (A-14930) |
| 8 Ill. Adm. Code 105 | Swine Disease Control & Eradication Act (P-14781/93;A-1880) (P-13519) |
| 8 Ill. Adm. Code 600 | Weights and Measures Act (E-4426) (A-8519) (A-14692) |

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

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| 77 Ill. Adm. Code 2090 | Subacute Alcoholism and Substance Abuse Treatment Services (P-5029) (C-8731) (A-14223) |
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| 14 Ill. Adm. Code 200 | Franchise Disclosure Act (PP-2522) |
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| 2 Ill. Adm. Code 601 | Freedom of Information (A-7739) |
| 2 Ill. Adm. Code 600 | Public Information, Rulemaking, Organization and Personnel (A-6404) (AR-6440) |

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| 38 Ill. Adm. Code 380 | Eligible State Bank (P-19347/93;A-4630) |
| 38 Ill. Adm. Code 335 | Unimpaired Capital & Unimpaired Surplus (E-11662) (P-13169) |

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| 56 Ill. Adm. Code 6000 | Carnival and Amusement Park Inspection Law (P-6040) (A-13384) |
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| 44 Ill. Adm. Code 5000 | Acquisition, Management & Disposal of Real Property (P-15217/93;A-1886) (P-5057) |
| 74 Ill. Adm. Code 900 | Joint Rules Of The Comptroller & The Department Of Central Management Services: Prompt Payment (A-11498) |
| 80 Ill. Adm. Code 302 | Merit & Fitness (P-14788/93;A-1892) (P-12937) |
| 80 Ill. Adm. Code 310 | Pay Plan (P-13657/93;P-14314;A-227;A-1107) (P-21233/93;A-5146) (PP-9562) (P-10979) (E-11299) (P-12008) (PP-13476) (P-14256) (E-14417) (R-16042) |
| 80 Ill. Adm. Code 2650 | Solicitation for Charitable Payroll Deductions (A-3115) (RC-3151) |

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| 80 Ill. Adm. Code 2800 | Travel (P-12567) |
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| 89 Ill. Adm. Code 325 | Administration of Psychotropic Medications to Children for Whom the Department of Children and Family Services is Legally Responsible (P-8765) |
| 89 Ill. Adm. Code 336 | Appeal of Child Abuse And Neglect Investigation Findings (P-11407) |
| 89 Ill. Adm. Code 434 | Audits, Reviews and Investigations (P-7115/93;A-6697) (P-8777) (E-8944) |
| 89 Ill. Adm. Code 380 | Background Check of Foster Family Home Applicants (PR-8779) |
| 89 Ill. Adm. Code 385 | Background Checks (P-8219) |
| 89 Ill. Adm. Code 358 | Background Inquiry for Purchase of Service Providers (PR-8786) |
| 89 Ill. Adm. Code 305 | Client Service Planning (P-6467) |
| 89 Ill. Adm. Code 431 | Confidentiality of Personal Information of Persons Served by the Department (P-7554) (CC-7951) |
| 89 Ill. Adm. Code 428 | Department Advisory Council, Ill. Juvenile Commission & OtherStatewide & Regional Committees (P-561) |
| 89 Ill. Adm. Code 437 | Department of Children and Family Services Employees Conflict of Interest (P-7539) |
| 89 Ill. Adm. Code 384 | Discipline & Behavior Management in Child Care Facilities (E-8474) (P-8528) |
| 89 Ill. Adm. Code 314 | Educational Services (P-17593/93; A-8366) |
| 89 Ill. Adm. Code 406 | Licensing Standards for Day Care Homes (P-2683) (P-11964/93;A-5531) (RC-3152) |
| 89 Ill. Adm. Code 402 | Licensing Standards for Foster Family Homes (P-8237; RC-10499) (E-8481) |
| 89 Ill. Adm. Code 408 | Licensing Standards for Group Day Care Homes (P-2700) (P-11976/93;A-5540) (RC-3153) |
| 89 Ill. Adm. Code 308 | Nondiscrimination Requirements Of Department Service Providers (A-11510) |
| 89 Ill. Adm. Code 356 | Rate Setting (A-11512) |
| 89 Ill. Adm. Code 335 | Relative Home Placements (P-6681/93;A-7444) (E-14436) |
| 89 Ill. Adm. Code 300 | Reports of Child Abuse & Neglect (P-18271/93;A-8377) (P-8240) (P-15218/93;A-8601) |
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| 80 Ill. Adm. Code 1 | Civil Service Commission (P-13525) |
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| 14 Ill. Adm. Code 570 | Illinois Small Business Development Program (P-21123/93;A-6112) |
| 56 Ill. Adm. Code 509 | Industrial Training Program (P-20063 93;RQ-6022) |
| 14 Ill. Adm. Code 620 | Labor-Management Program (P-9667) |
| 14 Ill. Adm. Code 550 | Local Tourism And Convention Bureau Program (P-14189) |
| 83 Ill. Adm. Code 772 | Pay-Per-Call Services (P-7156) |
| 14 Ill. Adm. Code 610 | Public Infrastructure Loan & Grants Programs (P-19352/93;A-8398) |
| 56 Ill. Adm. Code 2600 | Service Delivery System & State Responsibilities (P-805; A-9902) |
| 1 Ill. Adm. Code 300 | Small Business Impact Analysis Procedures (CC-9934) |
| 14 Ill. Adm. Code 545 | Technology Advancement & Development Act Program (P-839;A-8415) (P-11411) |
| 56 Ill. Adm. Code 2630 | Uniform Fiscal & Administrative Standards for the Job Training Partnership Act (P-855; A-9935) |
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| 92 Ill. Adm. Code 1205 | Fees And Taxes (A-11155) (E-16464) |
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| 83 Ill. Adm. Code 790 | Interconnection (P-19354/93;A-6147) |
| 83 Ill. Adm. Code 535 | Least-Cost Planning for Natural Utilities (PR-6081) |
| 83 Ill. Adm. Code 590 | Minimum Safety Standards for Transportation of Gas Pipeline Facilities (P-2720) (A-11518) |
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20 Ill. Adm. Code 405
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23 Ill. Adm. Code 252
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23 Ill. Adm. Code 180
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LOW-LEVEL RADIOACTIVE WASTE TASK GROUP

| ILLINOIS REGISTER | | | November 4, 1994 | | |
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TYPE OF RULE MAKING

am = amend to existing Section
cc = codification changes
n = New section
r = repeal of existing Section
re = reclassified
= renumbered

ACTION CODE

A = Adopted Rule
E = Emergency
P = Proposed Rule
PP = Peremptory
M = Modification
W = Withdrawal
CC = Codification Changes
RQ = Request for Correction
R = Refusal
PF = Prohibited Filing
S = Suspension
O = JCAR Objection
F = Failure to Remedy Objections
RC = Recommendations
EC = Expedited Correction
C = Correction

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TITLE 1

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| 100.110 | am | (P-7087/A-13067) | 100.680 | am | (P-7087/A-13067) | 220.300 | am | (P-13307/93;A-4758) |
| 100.140 | am | (P-7087/A-13067) | 100.710 | am | (P-7087/A-13067) | 220.450 | am | (P-13307/93;A-4758) |
| 100.150 | am | (P-7087/A-13067) | 100.735 | am | (P-7087/A-13067) | 220.500 | am | (P-13307/93;A-4758) |
| 100.160 | am | (P-7087/A-13067) | 100.740 | am | (P-7087/A-13067) | 220.600 | am | (P-13307/93;A-4758) |
| 100.180 | am | (P-7087/A-13067) | 100.815 | am | (P-7087/A-13067) | 220.700 | am | (P-13307/93;A-4758) |
| 100.200 | am | (P-7087/A-13067) | 100.820 | am | (P-7087/A-13067) | 220.760 | am | (P-13307/93;A-4758) |
| 100.220 | am | (P-7087/A-13067) | 100.900 | am | (P-7087/A-13067) | 220.800 | am | (P-13307/93;A-4758) |
| 100.225 | am | (P-7087/A-13067) | 100.1000 | am | (P-7087/A-13067) | 220.800 | am | (P-13307/93;A-4758) |
| 100.240 | am | (P-7087/A-13067) | 100.1020 | am | (P-7087/A-13067) | 220.850 | am | (P-13307/93;A-4758) |
| 100.250 | am | (P-7087/A-13067) | 100.1025 | am | (P-7087/A-13067) | 220.1000 | am | (P-13307/93;A-4758) |
| 100.260 | am | (P-7087/A-13067) | 100.1030 | am | (P-7087/A-13067) | 220.1150 | am | (P-13307/93;A-4758) |
| 100.270 | am | (P-7087/A-13067) | 100.1100 | am | (P-7087/A-13067) | 220.1200 | am | (P-13307/93;A-4758) |
| 100.280 | am | (P-7087/A-13067) | 100.1110 | am | (P-7087/A-13067) | 220.1250 | am | (P-13307/93;A-4758) |
| 100.300 | am | (P-7087/A-13067) | 100.1115 | am | (P-7087/A-13067) | 220.1300 | am | (P-13307/93;A-4758) |
| 100.315 | am | (P-7087/A-13067) | 100.1120 | am | (P-7087/A-13067) | 220.1350 | am | (P-13307/93;A-4758) |
| 100.330 | am | (P-7087/A-13067) | 100.1130 | am | (P-7087/A-13067) | 220.1400 | am | (P-13307/93;A-4758) |
| 100.335 | am | (P-7087/A-13067) | 100.1150 | am | (P-7087/A-13067) | 220.1450 | am | (P-13307/93;A-4758) |
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| 100.400 | am | (P-7087/A-13067) | 100.1215 | am | (P-7087/A-13067) | 220.1600 | am | (P-13307/93;A-4758) |
| 100.410 | am | (P-7087/A-13067) | 100.1220 | am | (P-7087/A-13067) | 220.1650 | am | (P-13307/93;A-4758) |
| 100.430 | am | (P-7087/A-13067) | 100.1225 | am | (P-7087/A-13067) | 220.1700 | am | (P-13307/93;A-4758) |
| 100.450 | am | (P-7087/A-13067) | 100.1230 | am | (P-7087/A-13067) | 220.1750 | am | (P-13307/93;A-4758) |
| 100.500 | am | (P-7087/A-13067) | 100.1235 | am | (P-7087/A-13067) | 220.1800 | am | (P-13307/93;A-4758) |
| 100.510 | am | (P-7087/A-13067) | 100.1240 | am | (P-7087/A-13067) | 220.1850 | am | (P-13307/93;A-4758) |
| 100.530 | am | (P-7087/A-13067) | 100.1245 | am | (P-7087/A-13067) | 220.1900 | am | (P-13307/93;A-4758) |
| 100.540 | am | (P-7087/A-13067) | 100.1250 | am | (P-7087/A-13067) | 220.1950 | am | (P-13307/93;A-4758) |
| 100.550 | am | (P-7087/A-13067) | 100.1255 | am | (P-7087/A-13067) | 220.2000 | am | (P-13307/93;A-4758) |
| 100.600 | am | (P-7087/A-13067) | 100.1260 | am | (P-7087/A-13067) | 220.2050 | am | (P-13307/93;A-4758) |
| 100.610 | am | (P-7087/A-13067) | 100.1265 | am | (P-7087/A-13067) | 220.2100 | am | (P-13307/93;A-4758) |
| 100.640 | am | (P-7087/A-13067) | 100.1270 | am | (P-7087/A-13067) | 220.2150 | am | (P-13307/93;A-4758) |
| 100.655 | am | (P-7087/A-13067) | 100.1275 | am | (P-7087/A-13067) | 220.2200 | am | (P-13307/93;A-4758) |
| 100.660 | am | (P-7087/A-13067) | 100.1280 | am | (P-7087/A-13067) | 220.2250 | am | (P-13307/93;A-4758) |

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| 230.600 | am | (P-1323/93.A.1233) | 260 Ex.D | am | (P-525) | 925 Ap.A | am | (P-525) | 25.120 | am | (P-8933.A-14898) | 257 10 | n | (P-14288/93.A-205) | 100.130 | am | (P-20094/93.A-4811) |
| 230.700 | am | (P-1323/93.A.1233) | 300. | re | (A-9834) | 926.10 | # | (P-512) | 25.130 | am | (P-8933.A-14898) | 257 30 | n | (P-14288/93.A-205) | 100.150 | am | (P-20094/93.A-4811) |
| 230.800 | am | (P-1323/93.A.1233) | | | | 926.20 | # | (P-512) | 30.20 | am | (P-8972.A-14891) | 257 30 | n | (P-14288/93.A-205) | 100.160 | am | (P-20094/93.A-4811) |
| 230.900 | am | (P-1323/93.A.1233) | | | | 926.110 | r | (P-512) | 30.20 | am | (P-8972.A-14891) | 257 50 | n | (P-14288/93.A-205) | 100.170 | am | (P-20094/93.A-4811) |
| 230.1000 | am | (P-1323/93.A.1233) | | | | 926.120 | r | (P-512) | 30.40 | am | (P-8972.A-14891) | 257 50 | n | (P-14288/93.A-205) | 100.180 | am | (P-20094/93.A-4811) |
| 230 Ex.A | r | (A-6400) | | | | 926.130 | r | (P-512) | 30.90 | am | (P-8972.A-14891) | 257 60 | n | (P-14288/93.A-205) | 100.210 | am | (P-20094/93.A-4811) |
| 230 Ex.B | r | (A-6400) | | | | 926.200 | r | (P-512) | 30.90 | am | (P-8972.A-14891) | 257 60 | n | (P-14288/93.A-205) | 100.240 | am | (P-20094/93.A-4811) |
| 230 Ex.C | r | (A-6400) | | | | 926.210 | r | (P-512) | 35.30 | am | (P-9008.A-14909) | 257 80 | n | (P-14288/93.A-205) | 100.250 | am | (P-20094/93.A-4811) |
| 230 Ex.D | am | (A-6400) | | | | 926.220 | r | (P-512) | 40.5 | am | (P-9008.A-14909) | 257 80 | n | (P-14288/93.A-205) | 100.260 | am | (P-20094/93.A-4811) |
| 230 Ex.E | am | (A-6400) | | | | 926.230 | r | (P-512) | 40.60 | am | (P-14769/93.A-1869) | 257 100 | n | (P-14288/93.A-205) | 100.280 | am | (P-20094/93.A-4811) |
| 230 Ex.F | am | (A-6400) | | | | 926.231 | r | (P-512) | 40.80 | am | (P-14769/93.A-1869) | 270 10 | am | (P-3164.A-9400) | 100.310 | am | (P-20094/93.A-4811) |
| 240. | re | (A-7499) | | | | 926.235 | r | (P-512) | 40.110 | am | (P-14769/93.A-1869) | 270 15 | am | (P-3164.A-9400) | 100.320 | am | (P-20094/93.A-4811) |
| 240.100 | am | (P-13294/93.A.4745) | | | | 926.240 | r | (P-512) | 40.170 | am | (P-14769/93.A-1869) | 270 20 | am | (P-3164.A-9400) | 100.330 | am | (P-20094/93.A-4811) |
| 240.200 | am | (P-13294/93.A.4745) | | | | 926.245 | r | (P-512) | 50.10 | am | (P-3011.A-14911) | 270 35 | am | (P-3164.A-9400) | 100.340 | am | (P-20094/93.A-4811) |
| 240.300 | am | (P-13294/93.A.4745) | | | | 926.250 | am | (P-512) | 50.20 | am | (P-3011.A-14911) | 270 40 | am | (P-3164.A-9400) | 100.350 | am | (P-20094/93.A-4811) |
| 240.400 | am | (P-13294/93.A.4745) | | | | 926.260 | am | (P-512) | 70.80 | am | (P-9003.A-14906) | 270 50 | am | (P-3164.A-9400) | 100.360 | am | (P-20094/93.A-4811) |
| 240.500 | am | (P-13294/93.A.4745) | | | | 926.270 | am | (P-512) | 70.130 | am | (P-9003.A-14906) | 270 70 | am | (P-3164.A-9400) | 100.370 | am | (P-20094/93.A-4811) |
| 240.600 | am | (P-13294/93.A.4745) | | | | 926.280 | am | (P-512) | 75.5 | am | (P-14728/93.A-1833) | 270 75 | am | (P-3164.A-9400) | 100.380 | am | (P-20094/93.A-4811) |
| 240.700 | am | (P-13294/93.A.4745) | | | | 926.290 | # | (P-512) | 75.10 | am | (P-14728/93.A-1833) | 270 85 | am | (P-3164.A-9400) | 204.10 | am | (P-126.A-7419) |
| 240.800 | am | (P-13294/93.A.4745) | | | | 926.300 | am | (A-13448) | 75.40 | am | (P-14728/93.A-1833) | 270 90 | am | (P-3164.A-9400) | 204.20 | am | (P-126.A-7419) |
| 240.900 | am | (P-13294/93.A.4745) | | | | 1720.200 | am | (A-13448) | 75.40 | am | (P-14728/93.A-1833) | 270 95 | am | (P-3164.A-9400) | 204.30 | am | (P-126.A-7419) |
| 240.1000 | am | (P-13294/93.A.4745) | | | | 1720.210 | am | (A-13448) | 75.120 | am | (P-14728/93.A-1833) | 270 130 | am | (P-3164.A-9400) | 204.40 | am | (P-126.A-7419) |
| 240.1100 | am | (P-13294/93.A.4745) | | | | 1720.310 | am | (A-13448) | 75.180 | am | (P-14728/93.A-1833) | 270 135 | am | (P-3164.A-9400) | 204.50 | am | (P-126.A-7419) |
| 245 | re | (A-7496) | | | | 1720.320 | am | (A-13448) | 75.200 | am | (P-14728/93.A-1833) | 270 140 | am | (P-3164.A-9400) | 204.60 | am | (P-126.A-7419) |
| 245.100 | am | (P-13248/93.A.4720) | | | | 1720.330 | am | (A-13448) | 75.210 | am | (P-14728/93.A-1833) | 270 150 | am | (P-3164.A-9400) | 204.70 | am | (P-126.A-7419) |
| 245.110 | am | (P-13248/93.A.4720) | | | | 1720.370 | am | (A-6015) | 75.1ab.A | r | (P-14728/93.A-1833) | 270 165 | am | (P-3164.A-9400) | 204.80 | am | (P-126.A-7419) |
| 245.130 | am | (P-13248/93.A.4720) | | | | 2050.20 | am | (A-6015) | 85.5 | am | (P-14728/93.A-1833) | 270 170 | am | (P-3164.A-9400) | 204.90 | am | (P-126.A-7419) |
| 245.140 | am | (P-13248/93.A.4720) | | | | 2050.30 | am | (A-6015) | 85.15 | am | (P-14728/93.A-1833) | 270 180 | am | (P-3164.A-9400) | 204.100 | am | (P-126.A-7419) |
| 245.145 | am | (P-13248/93.A.4720) | | | | 2050.110 | am | (A-5889) | 85.75 | am | (P-14728/93.A-1833) | 270 190 | am | (P-3164.A-9400) | 204.110 | am | (P-126.A-7419) |
| 245 Ex.A | am | (A-6400) | | | | 2950.10 | am | (A-5889) | 85.5 | am | (P-14728/93.A-1833) | 270 205 | am | (P-3164.A-9400) | 204.120 | am | (P-126.A-7419) |
| 245 Ex.B | am | (A-6400) | | | | 2950.20 | am | (A-5889) | 85.100 | am | (P-14728/93.A-1833) | 270 221 | am | (P-3164.A-9400) | 204.130 | am | (P-126.A-7419) |
| 250.200 | am | (P-13257/93.A.4728) | | | | 2950.30 | am | (A-5889) | 85.110 | am | (P-14728/93.A-1833) | 270 221 | am | (P-3164.A-9400) | 206.10 | am | (P-112.A-7407) |
| 250.300 | am | (P-13257/93.A.4728) | | | | 2950.40 | am | (A-5889) | 85.115 | am | (P-14728/93.A-1833) | 270 235 | am | (P-3164.A-9400) | 206.20 | am | (P-112.A-7407) |
| 250.500 | am | (P-13257/93.A.4728) | | | | 2950.50 | am | (A-5889) | 85.125 | am | (P-14728/93.A-1833) | 270 240 | am | (P-3164.A-9400) | 206.30 | am | (P-112.A-7407) |
| 250.600 | am | (P-13257/93.A.4728) | | | | 2950.60 | am | (A-5889) | 90.10 | am | (P-3018.A-14917) | 270 245 | am | (P-3164.A-9400) | 207.40 | r | (P-124.A-7418) |
| 250.700 | am | (P-13257/93.A.4728) | | | | 2950.70 | am | (A-5889) | 90.110 | am | (P-3018.A-14917) | 270 261 | am | (P-3164.A-9400) | 208.10 | am | (P-115.A-7410) |
| 250.800 | am | (P-13257/93.A.4728) | | | | 2950.80 | am | (A-5889) | 90.120 | am | (P-3018.A-14917) | 270 280 | am | (P-3164.A-9400) | 208.20 | am | (P-115.A-7410) |
| 250.900 | am | (P-13257/93.A.4728) | | | | 2960.60 | am | (A-5889) | 105.5 | am | (P-14781/93.A-1880) | 270 320 | am | (P-3164.A-9400) | 208.30 | am | (P-115.A-7410) |
| 250.1000 | am | (P-13257/93.A.4728) | | | | 2960.70 | am | (A-5889) | 110.80 | am | (P-14781/93.A-1880) | 270 365 | am | (P-3164.A-9400) | 208.40 | am | (P-115.A-7410) |
| 250.1200 | am | (P-13257/93.A.4728) | | | | 2960.80 | am | (A-5889) | 105.30 | am | (P-14781/93.A-1880) | 270 371 | am | (P-3164.A-9400) | 208.100 | am | (P-115.A-7410) |
| 250.1300 | am | (P-13257/93.A.4728) | | | | 2960.90 | am | (A-5889) | 105.30 | am | (P-13519) | 270 395 | am | (P-3164.A-9400) | 208.110 | am | (P-115.A-7410) |
| 250.1400 | am | (P-13257/93.A.4728) | | | | 2960.100 | am | (A-5889) | 105.90 | am | (P-13519) | 270 480 | am | (P-3164.A-9400) | 208.120 | am | (P-115.A-7410) |
| 250.1500 | am | (P-13257/93.A.4728) | | | | 2950.110 | am | (A-5889) | 110.50 | am | (P-14717/93.A-1825) | 270 510 | am | (P-3164.A-9400) | 210.10 | n | (P-19057/93.A-2072) |
| 250.1600 | am | (P-13257/93.A.4728) | | | | 2950.120 | am | (A-5889) | 110.70 | am | (P-8981) | 270 540 | am | (P-3164.A-9400) | 308.10 | am | (P-1733.A-7433) |
| 250.1700 | am | (P-13257/93.A.4728) | | | | 2950.200 | am | (A-5889) | 110.80 | am | (P-8981) | 270 625 | am | (P-3164.A-9400) | 308.20 | n | (P-1733.A-7433) |
| 250.1800 | am | (P-13257/93.A.4728) | | | | 2950.220 | am | (A-5889) | 116.10 | am | (P-14717/93.A-1825) | 270 685 | am | (P-9033.A-14930) | 308.30 | n | (P-1733.A-7433) |
| 250.1900 | am | (P-13257/93.A.4728) | | | | 2950.230 | am | (A-5889) | 116.20 | n | (P-14717/93.A-1825) | 515.5 | am | (P-9033.A-14930) | 308.40 | n | (P-1733.A-7433) |
| 250.2000 | am | (P-13257/93.A.4728) | | | | 2950.240 | am | (A-5889) | 116.30 | am | (P-14717/93.A-1825) | 515.60 | am | (P-9033.A-14930) | 308.50 | n | (P-1733.A-7433) |
| 250.2100 | am | (P-13257/93.A.4728) | | | | 2950.250 | am | (A-5889) | 125.100 | am | (P-14717/93.A-1825) | 515.130 | am | (P-9033.A-14930) | 308.60 | n | (P-1733.A-7433) |
| 250.2200 | am | (P-13257/93.A.4728) | | | | 2950.260 | am | (A-5889) | 125.110 | am | (P-14717/93.A-1825) | 600.1 | am | (P-9033.A-14930) | 308.70 | n | (P-1733.A-7433) |
| 255.10 | n | (E-5359) | | | | 2950.270 | am | (A-5889) | 125.120 | am | (P-14717/93.A-1825) | 600.300 | am | (E-4426/P-8519) | 308.90 | n | (P-1733.A-7433) |
| 255.20 | n | (E-5359) | | | | 2950.280 | am | (A-5889) | 125.260 | am | (P-14717/93.A-1825) | 600.320 | n | (E-4426/P-8519) | 311.10 | n | (P-1733.A-7433) |
| 260. | re | (A-7739) | | | | 2950.290 | am | (A-5889) | 125.270 | am | (P-14717/93.A-1825) | 600.620 | am | (P-8519.A-14692) | 311.30 | n | (P-1733.A-7433) |
| 260.100 | am | (P-13233/93.A.4705) | | | | 2950.300 | am | (A-5889) | 125.280 | am | (P-14717/93.A-1825) | 100.5 | am | (P-20094/93.A-4811) | 405.90 | am | (P-10030/93.A-2087) |
| 260.200 | am | (P-13233/93.A.4705) | | | | 2950.310 | am | (A-5889) | 20.01 | am | (P-14717/93.A-1825) | 100.5 | am | (P-20094/93.A-4811) | 405.120 | am | (P-10030/93.A-2087) |
| 260.300 | am | (P-13233/93.A.4705) | | | | 2950.320 | am | (A-5889) | 25.20 | am | (P-14717/93.A-1825) | 100.20 | am | (P-20094/93.A-4811) | 409.20 | am | (P-10030/93.A-2087) |
| 260.350 | am | (P-13233/93.A.4705) | | | | 2950.330 | am | (A-5889) | 25.30 | am | (P-14717/93.A-1825) | 100.20 | am | (P-20094/93.A-4811) | 415.10 | am | (P-10030/93.A-2087) |
| 260.400 | am | (P-13233/93.A.4705) | | | | 2950.340 | am | (A-5889) | 25.40 | am | (P-14717/93.A-1825) | 100.20 | am | (P-20094/93.A-4811) | 415.20 | am | (P-10030/93.A-2087) |
| 260.450 | am | (P-13233/93.A.4705) | | | | 2950.350 | am | (A-5889) | 25.50 | am | (P-14717/93.A-1825) | 100.20 | am | (P-20094/93.A-4811) | 415.30 | am | (P-10030/93.A-2087) |
| 260.500 | am | (P-13233/93.A.4705) | | | | 2950.360 | am | (A-5889) | 25.60 | am | (P-14717/93.A-1825) | 100.20 | am | (P-20094/93.A-4811) | 415.40 | am | (P-10030/93.A-2087) |
| 260.550 | am | (P-13233/93.A.4705) | | | | 2950.370 | am | (A-5889) | 25.70 | am | (P-14717/93.A-1825) | 100.20 | am | (P-20094/93.A-4811) | 415.50 | am | (P-10030/93.A-2087) |
| 260.600 | am | (P-13233/93.A.4705) | | | | 2950.380 | am | (A-5889) | 25.80 | am | (P-14717/93.A-1825) | 100.20 | am | (P-20094/93.A-4811) | 415.60 | am | (P-10030/93.A-2087) |
| 260.650 | am | (P-13233/93.A.4705) | | | | 2950.390 | am | (A-5889) | 25.90 | am | (P-14717/93.A-1825) | 100.20 | am | (P-20094/93.A-4811) | 415.70 | am | (P-10030/93.A-2087) |
| 260.700 | am | (P-13233/93.A.4705) | | | | 2950.400 | am | (A-5889) | 26.00 | am | (P-14717/93.A-1825) | 100.20 | am | (P-20094/93.A-4811) | 415.80 | am | (P-10030/93.A-2087) |
| 260.750 | am | (P-13233/93.A.4705) | | | | | | | | | | | | | | | |

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| | | | | | |
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| 510.40 | r | P-13875/93.A-6382) | 335.1080 | am | P-20122/93.A-7308) |
| 510.50 | r | P-13875/93.A-6382) | 335.1090 | am | P-13883/93.A-4196) |
| 1300.10 | n | P-13865/93.A-6386) | 335.2010 | am | P-20122/93.A-7308) |
| 1300.20 | n | P-13865/93.A-6386) | 335.2020 | am | P-20122/93.A-7308) |
| 1300.30 | n | P-13865/93.A-6386) | 335.2030 | am | P-20122/93.A-7308) |
| 1300.40 | n | P-13865/93.A-6386) | 335.2040 | am | P-20122/93.A-7308) |
| 1300.50 | n | P-13865/93.A-6386) | 335.2050 | am | P-20122/93.A-7308) |
| 1300.60 | n | P-13865/93.A-6386) | 335.2060 | am | P-20122/93.A-7308) |
| 1310.10 | n | P-13843/93.A-6394) | 335.2070 | am | P-20122/93.A-7308) |
| 1310.20 | n | P-13843/93.A-6394) | 335.2080 | am | P-20122/93.A-7308) |
| 1310.30 | n | P-13843/93.A-6394) | 335.2090 | am | P-20122/93.A-7308) |
| 1310.40 | n | P-13843/93.A-6394) | 335.2100 | am | P-20122/93.A-7308) |
| 1310.50 | n | P-13843/93.A-6394) | 335.2110 | am | P-20122/93.A-7308) |
| 1310.60 | n | P-13843/93.A-6394) | 335.2120 | am | P-20122/93.A-7308) |
| 1310.70 | n | P-13843/93.A-6394) | 335.2130 | am | P-20122/93.A-7308) |
| 1310.80 | n | P-13843/93.A-6394) | 335.2140 | am | P-20122/93.A-7308) |
| 1310.90 | n | P-13843/93.A-6394) | 335.2150 | am | P-20122/93.A-7308) |
| 1310.100 | n | P-13843/93.A-6394) | 335.2160 | am | P-20122/93.A-7308) |
| 1310.110 | n | P-13843/93.A-6394) | 335.2170 | am | P-20122/93.A-7308) |
| 1310.120 | n | P-13843/93.A-6394) | 335.2180 | am | P-20122/93.A-7308) |
| 1310.130 | n | P-13843/93.A-6394) | 335.2190 | am | P-20122/93.A-7308) |
| 1310.140 | n | P-13843/93.A-6394) | 335.2200 | am | P-20122/93.A-7308) |
| 1310.150 | n | P-13843/93.A-6394) | 335.2210 | am | P-20122/93.A-7308) |
| 1310.160 | n | P-13843/93.A-6394) | 335.2220 | am | P-20122/93.A-7308) |
| 1310.170 | n | P-13843/93.A-6394) | 335.2230 | am | P-20122/93.A-7308) |
| 1310.180 | n | P-13843/93.A-6394) | 335.2240 | am | P-20122/93.A-7308) |
| 1310.190 | n | P-13843/93.A-6394) | 335.2250 | am | P-20122/93.A-7308) |
| 1310.200 | n | P-13843/93.A-6394) | 335.2260 | am | P-20122/93.A-7308) |
| 1310.210 | n | P-13843/93.A-6394) | 335.2270 | am | P-20122/93.A-7308) |
| 1310.220 | n | P-13843/93.A-6394) | 335.2280 | am | P-20122/93.A-7308) |
| 1310.230 | n | P-13843/93.A-6394) | 335.2290 | am | P-20122/93.A-7308) |
| 1310.240 | n | P-13843/93.A-6394) | 335.2300 | am | P-20122/93.A-7308) |
| 1310.250 | n | P-13843/93.A-6394) | 335.2310 | am | P-20122/93.A-7308) |
| 1310.260 | n | P-13843/93.A-6394) | 335.2320 | am | P-20122/93.A-7308) |
| 1310.270 | n | P-13843/93.A-6394) | 335.2330 | am | P-20122/93.A-7308) |
| 1310.280 | n | P-13843/93.A-6394) | 335.2340 | am | P-20122/93.A-7308) |
| 1310.290 | n | P-13843/93.A-6394) | 335.2350 | am | P-20122/93.A-7308) |
| 1310.300 | n | P-13843/93.A-6394) | 335.2360 | am | P-20122/93.A-7308) |
| 1310.310 | n | P-13843/93.A-6394) | 335.2370 | am | P-20122/93.A-7308) |
| 1310.320 | n | P-13843/93.A-6394) | 335.2380 | am | P-20122/93.A-7308) |
| 1310.330 | n | P-13843/93.A-6394) | 335.2390 | am | P-20122/93.A-7308) |
| 1310.340 | n | P-13843/93.A-6394) | 335.2400 | am | P-20122/93.A-7308) |
| 1310.350 | n | P-13843/93.A-6394) | 335.2410 | am | P-20122/93.A-7308) |
| 1310.360 | n | P-13843/93.A-6394) | 335.2420 | am | P-20122/93.A-7308) |
| 1310.370 | n | P-13843/93.A-6394) | 335.2430 | am | P-20122/93.A-7308) |
| 1310.380 | n | P-13843/93.A-6394) | 335.2440 | am | P-20122/93.A-7308) |
| 1310.390 | n | P-13843/93.A-6394) | 335.2450 | am | P-20122/93.A-7308) |
| 1310.400 | n | P-13843/93.A-6394) | 335.2460 | am | P-20122/93.A-7308) |
| 1310.410 | n | P-13843/93.A-6394) | 335.2470 | am | P-20122/93.A-7308) |
| 1310.420 | n | P-13843/93.A-6394) | 335.2480 | am | P-20122/93.A-7308) |
| 1310.430 | n | P-13843/93.A-6394) | 335.2490 | am | P-20122/93.A-7308) |
| 1310.440 | n | P-13843/93.A-6394) | 335.2500 | am | P-20122/93.A-7308) |
| 1310.450 | n | P-13843/93.A-6394) | 335.2510 | am | P-20122/93.A-7308) |
| 1310.460 | n | P-13843/93.A-6394) | 335.2520 | am | P-20122/93.A-7308) |
| 1310.470 | n | P-13843/93.A-6394) | 335.2530 | am | P-20122/93.A-7308) |
| 1310.480 | n | P-13843/93.A-6394) | 335.2540 | am | P-20122/93.A-7308) |
| 1310.490 | n | P-13843/93.A-6394) | 335.2550 | am | P-20122/93.A-7308) |
| 1310.500 | n | P-13843/93.A-6394) | 335.2560 | am | P-20122/93.A-7308) |
| 1310.510 | n | P-13843/93.A-6394) | 335.2570 | am | P-20122/93.A-7308) |
| 1310.520 | n | P-13843/93.A-6394) | 335.2580 | am | P-20122/93.A-7308) |
| 1310.530 | n | P-13843/93.A-6394) | 335.2590 | am | P-20122/93.A-7308) |
| 1310.540 | n | P-13843/93.A-6394) | 335.2600 | am | P-20122/93.A-7308) |
| 1310.550 | n | P-13843/93.A-6394) | 335.2610 | am | P-20122/93.A-7308) |
| 1310.560 | n | P-13843/93.A-6394) | 335.2620 | am | P-20122/93.A-7308) |
| 1310.570 | n | P-13843/93.A-6394) | 335.2630 | am | P-20122/93.A-7308) |
| 1310.580 | n | P-13843/93.A-6394) | 335.2640 | am | P-20122/93.A-7308) |
| 1310.590 | n | P-13843/93.A-6394) | 335.2650 | am | P-20122/93.A-7308) |
| 1310.600 | n | P-13843/93.A-6394) | 335.2660 | am | P-20122/93.A-7308) |
| 1310.610 | n | P-13843/93.A-6394) | 335.2670 | am | P-20122/93.A-7308) |
| 1310.620 | n | P-13843/93.A-6394) | 335.2680 | am | P-20122/93.A-7308) |
| 1310.630 | n | P-13843/93.A-6394) | 335.2690 | am | P-20122/93.A-7308) |
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| 1310.700 | n | P-13843/93.A-6394) | 335.2760 | am | P-20122/93.A-7308) |
| 1310.710 | n | P-13843/93.A-6394) | 335.2770 | am | P-20122/93.A-7308) |
| 1310.720 | n | P-13843/93.A-6394) | 335.2780 | am | P-20122/93.A-7308) |
| 1310.730 | n | P-13843/93.A-6394) | 335.2790 | am | P-20122/93.A-7308) |
| 1310.740 | n | P-13843/93.A-6394) | 335.2800 | am | P-20122/93.A-7308) |
| 1310.750 | n | P-13843/93.A-6394) | 335.2810 | am | P-20122/93.A-7308) |
| 1310.760 | n | P-13843/93.A-6394) | 335.2820 | am | P-20122/93.A-7308) |
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| 1310.800 | n | P-13843/93.A-6394) | 335.2860 | am | P-20122/93.A-7308) |
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| 1310.820 | n | P-13843/93.A-6394) | 335.2880 | am | P-20122/93.A-7308) |
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| 1311.000 | n | P-13843/93.A-6394) | 335.3060 | am | P-20122/93.A-7308) |
| 1311.010 | n | P-13843/93.A-6394) | 335.3070 | am | P-20122/93.A-7308) |
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| 1311.080 | n | P-13843/93.A-6394) | 335.3140 | am | P-20122/93.A-7308) |
| 1311.090 | n | P-13843/93.A-6394) | 335.3150 | am | P-20122/93.A-7308) |
| 1311.100 | n | P-13843/93.A-6394) | 335.3160 | am | P-20122/93.A-7308) |
| 1311.110 | n | P-13843/93.A-6394) | 335.3170 | am | P-20122/93.A-7308) |
| 1311.120 | n | P-13843/93.A-6394) | 335.3180 | am | P-20122/93.A-7308) |
| 1311.130 | n | P-13843/93.A-6394) | 335.3190 | am | P-20122/93.A-7308) |
| 1311.140 | n | P-13843/93.A-6394) | 335.3200 | am | P-20122/93.A-7308) |
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| 1311.180 | n | P-13843/93.A-6394) | 335.3240 | am | P-20122/93.A-7308) |
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| 1311.250 | n | P-13843/93.A-6394) | 335.3310 | am | P-20122/93.A-7308) |
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| 1311.270 | n | P-13843/93.A-6394) | 335.3330 | am | P-20122/93.A-7308) |
| 1311.280 | n | P-13843/93.A-6394) | 335.3340 | am | P-20122/93.A-7308) |
| 1311.290 | n | P-13843/93.A-6394) | 335.3350 | am | P-20122/93.A-7308) |
| 1311.300 | n | P-13843/93.A-6394) | 335.3360 | am | P-20122/93.A-7308) |
| 1311.310 | n | P-13843/93.A-6394) | 335.3370 | am | P-20122/93.A-7308) |
| 1311.320 | n | P-13843/93.A-6394) | 335.3380 | am | P-20122/93.A-7308) |
| 1311.330 | n | P-13843/93.A-6394) | 335.3390 | am | P-20122/93.A-7308) |
| 1311.340 | n | P-13843/93.A-6394) | 335.3400 | am | P-20122/93.A-7308) |
| 1311.350 | n | P-13843/93.A-6394) | 335.3410 | am | P-20122/93.A-7308) |
| 1311.360 | n | P-13843/93.A-6394) | 335.3420 | am | P-20122/93.A-7308) |
| 1311.370 | n | P-13843/93.A-6394) | 335.3430 | am | P-20122/93.A-7308) |
| 1311.380 | n | P-13843/93.A-6394) | 335.3440 | am | P-20122/93.A-7308) |
| 1311.390 | n | P-13843/93.A-6394) | 335.3450 | am | P-20122/93.A-7308) |
| 1311.400 | n | P-13843/93.A-6394) | 335.3460 | am | P-20122/93.A-7308) |
| 1311.410 | n | P-13843/93.A-6394) | 335.3470 | am | P-20122/93.A-7308) |
| 1311.420 | n | P-13843/93.A-6394) | 335.3480 | am | P-20122/93.A-7308) |
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| 240 102 | am | (P-10221) | 270 604 | n | (P-16325/93 A-9425) | 370 1010 | re | (A-6375) |
| 240 104 | am | (P-10221) | 270 606 | n | (P-16325/93 A-9425) | 370 1030 | re | (A-6375) |
| 240 105 | am | (P-10221) | 270 607 | n | (P-16325/93 A-9425) | 370 1050 | re | (A-6375) |
| 240 106 | am | (P-10221) | 270 608 | n | (P-16325/93 A-9425) | 370 1060 | re | (A-6375) |
| 240 107 | am | (P-10221) | 270 609 | n | (P-16325/93 A-9425) | 370 1070 | re | (A-6375) |
| 240 124 | am | (P-10221) | 302 208 | am | (P-14555) | 370 1080 | re | (A-6375) |
| 240 125 | am | (P-10221) | 302 208 | am | (P-14555) | 370 1100 | re | (A-6375) |
| 240 151 | n | (P-10221) | 302 212 | am | (P-14555) | 370 1110 | re | (A-6375) |
| 240 152 | n | (P-10221) | 302 213 | am | (P-14555) | 370 1120 | re | (A-6375) |
| 240 153 | n | (P-10221) | 302 407 | am | (P-14555) | 370 1130 | re | (A-6375) |
| 240 161 | n | (P-10221) | 303 323 | am | (P-18759/93 A-134611) | 370 1200 | re | (A-6375) |
| 240 162 | n | (P-10221) | 303 322 | am | (P-14219) | 370 1210 | re | (A-6375) |
| 240 163 | n | (P-10221) | 303 400 | am | (P-12491/93 A-2981) | 370 A n | re | (A-6375) |
| 240 164 | n | (P-10221) | 304 122 | am | (P-14549) | 370 A n | re | (A-6375) |
| 240 171 | n | (P-10221) | 304 122 | am | (P-14549) | 370 A n | re | (A-6375) |
| 240 172 | n | (P-10297) | 304 301 | r | (P-14549) | 370 A n | re | (A-6375) |
| 240 173 | n | (P-10297) | 304 313 | am | (P-15223/93 A-2671) | 370 A n | re | (A-6375) |
| 240 T b A | n | (P-10221) | 304 303 | am | (P-2660 A-11574) | 370 A n | re | (A-6375) |
| 240 T b B | n | (P-10221) | 370 100 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 101 | n | (P-16325/93 A-9425) | 370 210 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 102 | n | (P-16325/93 A-9425) | 370 220 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 103 | n | (P-16325/93 A-9425) | 370 230 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 104 | n | (P-16325/93 A-9425) | 370 240 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 105 | n | (P-16325/93 A-9425) | 370 250 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 106 | n | (P-16325/93 A-9425) | 370 260 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 107 | n | (P-16325/93 A-9425) | 370 300 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 108 | n | (P-16325/93 A-9425) | 370 340 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 201 | n | (P-16325/93 A-9425) | 370 350 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 202 | n | (P-16325/93 A-9425) | 370 400 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 301 | n | (P-16325/93 A-9425) | 370 410 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 302 | n | (P-16325/93 A-9425) | 370 420 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 303 | n | (P-16325/93 A-9425) | 370 430 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 304 | n | (P-16325/93 A-9425) | 370 440 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 305 | n | (P-16325/93 A-9425) | 370 450 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 306 | n | (P-16325/93 A-9425) | 370 460 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 307 | n | (P-16325/93 A-9425) | 370 470 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 308 | n | (P-16325/93 A-9425) | 370 500 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 401 | n | (P-16325/93 A-9425) | 370 510 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 402 | n | (P-16325/93 A-9425) | 370 520 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 403 | n | (P-16325/93 A-9425) | 370 530 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 404 | n | (P-16325/93 A-9425) | 370 540 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 405 | n | (P-16325/93 A-9425) | 370 550 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 406 | n | (P-16325/93 A-9425) | 370 560 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 407 | n | (P-16325/93 A-9425) | 370 570 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 408 | n | (P-16325/93 A-9425) | 370 600 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 409 | n | (P-16325/93 A-9425) | 370 610 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 410 | n | (P-16325/93 A-9425) | 370 620 | re | (A-6375) | 370 A n | re | (A-6375) |
| 270 411 | n | (P-16325/93 A-9425) | 370 700 | re | (A-6375) | 611 102 | am | (P-7642 A-12291) |
| 270 412 | n | (P-16325/93 A-9425) | 370 710 | re | (A-6375) | 611 102 | am | (P-7642 A-12291) |
| 270 413 | n | (P-16325/93 A-9425) | 370 720 | re | (A-6375) | 611 532 | am | (P-7642 A-12291) |
| 270 501 | n | (P-16325/93 A-9425) | 370 730 | re | (A-6375) | 611 532 | am | (P-7642 A-12291) |

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| 201.166 | # | (P-8347/A-15760) | 211.7050 | n | (P-12491/93.A-1253) | n | (P-9242/A-16392) | 218.764 | n | (P-9242/A-16392) |
| 201.167 | # | (P-8347/A-15760) | 211.7400 | n | (P-15192) | n | (P-9242/A-16392) | 218.766 | n | (P-9242/A-16392) |
| 201.168 | # | (P-8347/A-15760) | 212.1100 | am | (P-967/A-11587) | am | (P-967/A-11587) | 218.768 | n | (P-967/A-11587) |
| 201.169 | # | (P-8347/A-15760) | 212.700 | n | (P-967/A-11587) | n | (P-967/A-11587) | 218.770 | n | (P-967/A-11587) |
| 201.208 | n | (P-8347/A-15760) | 212.701 | n | (P-967/A-11587) | n | (P-967/A-11587) | 218.920 | am | (P-9249/93.A-1945) |
| 201.209 | # | (P-8347/A-15760) | 212.702 | n | (P-967/A-11587) | n | (P-967/A-11587) | 218.921 | am | (P-9249/93.A-1945) |
| 201.210 | n | (P-8347/A-15760) | 212.703 | n | (P-967/A-11587) | n | (P-967/A-11587) | 218.923 | am | (P-9249/93.A-1945) |
| 201.211 | n | (P-8347/A-15760) | 212.704 | n | (P-967/A-11587) | n | (P-967/A-11587) | 218.926 | am | (P-9249/93.A-1945) |
| 201.212 | n | (P-8347/A-15760) | 212.705 | n | (P-967/A-11587) | n | (P-967/A-11587) | 218.940 | am | (P-9249/93.A-1945) |
| 201.302 | am | (P-7636/A-15002) | 218.101 | am | (P-9242/A-16392) | am | (P-9242/A-16392) | 218.943 | am | (P-9249/93.A-1945) |
| 203.209 | am | (P-18754/93.A-6335) | 218.106 | am | (P-12491/93.A-1945) | am | (P-12491/93.A-1945) | 218.946 | am | (P-9249/93.A-1945) |
| 211.102 | am | (P-8331/A-15744) | 218.112 | am | (P-9242/A-16392) | am | (P-9242/A-16392) | 218.960 | am | (P-9249/93.A-1945) |
| 211.660 | n | (P-15192) | 218.108 | am | (P-15211) | am | (P-15211) | 218.963 | am | (P-9242/A-16392) |
| 211.670 | am | (P-15192) | 218.112 | am | (P-12491/93.A-1945) | am | (P-12491/93.A-1945) | 218.966 | am | (P-9249/93.A-1945) |
| 211.680 | n | (P-15192) | 218.112 | am | (P-7602/A-14973) | am | (P-7602/A-14973) | 218.966 | am | (P-9249/93.A-1945) |
| 211.820 | n | (P-15192) | 218.114 | am | (P-12491/93.A-1945) | am | (P-12491/93.A-1945) | 218.980 | am | (P-15211) |
| 211.980 | n | (P-15192) | 218.119 | n | (P-10549) | n | (P-10549) | 218.980 | am | (P-12491/93.A-1945) |
| 211.1070 | n | (P-12491/93.A-1253) | 218.120 | n | (P-10549) | n | (P-10549) | 218.983 | am | (P-9242/A-16392) |
| 211.1780 | n | (P-15192) | 218.121 | am | (P-10549) | am | (P-10549) | 218.983 | am | (P-9242/A-16392) |
| 211.1880 | n | (P-15192) | 218.125 | n | (P-10549) | n | (P-10549) | 218.986 | am | (P-12491/93.A-1945) |
| 211.1900 | n | (P-15192) | 218.127 | n | (P-10549) | n | (P-10549) | 218.991 | am | (P-12491/93.A-1945) |
| 211.1920 | n | (P-8331/A-15744) | 218.128 | am | (P-10549) | am | (P-10549) | 218.991 | am | (P-10549) |
| 211.2030 | n | (P-12491/93.A-1253) | 218.204 | am | (P-15211) | am | (P-15211) | 218.991 | am | (P-10549) |
| 211.2290 | n | (P-15192) | 218.205 | am | (P-15211) | am | (P-15211) | 218.991 | am | (P-10549) |
| 211.2300 | n | (P-10536) | 218.207 | am | (P-15211) | am | (P-15211) | 218.991 | am | (P-10549) |
| 211.2360 | n | (P-15192) | 218.208 | am | (P-15211) | am | (P-15211) | 218.991 | am | (P-10549) |
| 211.2365 | n | (P-15192) | 218.210 | am | (P-15211) | am | (P-15211) | 218.991 | am | (P-10549) |
| 211.2610 | n | (P-12491/93.A-1253) | 218.213 | n | (P-15211) | n | (P-15211) | 218.991 | am | (P-10549) |
| 211.2630 | n | (P-15192) | 218.213 | n | (P-15211) | n | (P-15211) | 218.991 | am | (P-10549) |
| 211.3480 | n | (P-9228/A-16379) | 218.214 | am | (P-12491/93.A-1945) | am | (P-12491/93.A-1945) | 218.991 | am | (P-10549) |
| 211.3500 | n | (P-8331/A-15744) | 218.402 | am | (P-15211) | am | (P-15211) | 218.991 | am | (P-10549) |
| 211.3620 | n | (P-8331/A-15744) | 218.431 | n | (P-15211) | n | (P-15211) | 218.991 | am | (P-10549) |
| 211.3650 | am | (P-9228/A-16379) | 218.432 | n | (P-15211) | n | (P-15211) | 218.991 | am | (P-10549) |
| 211.3660 | n | (P-9228/A-16379) | 218.433 | n | (P-15211) | n | (P-15211) | 218.991 | am | (P-10549) |
| 211.3695 | n | (P-10536) | 218.434 | n | (P-15211) | n | (P-15211) | 218.991 | am | (P-10549) |
| 211.3950 | n | (P-12491/93.A-1253) | 218.435 | n | (P-15211) | n | (P-15211) | 218.991 | am | (P-10549) |
| 211.4050 | am | (P-12491/93.A-1253) | 218.436 | n | (P-15211) | n | (P-15211) | 218.991 | am | (P-10549) |
| 211.4055 | am | (P-15192) | 218.520 | n | (P-10549) | # | (P-10549) | 218.991 | am | (P-10549) |
| 211.4300 | am | (P-10536) | 218.522 | n | (P-10549) | n | (P-10549) | 218.991 | am | (P-10549) |
| 211.4320 | am | (P-8331/A-15744) | 218.523 | n | (P-10549) | n | (P-10549) | 218.991 | am | (P-10549) |
| 211.4760 | n | (P-15192) | 218.524 | n | (P-10549) | n | (P-10549) | 218.991 | am | (P-10549) |
| 211.4830 | n | (P-12491/93.A-1253) | 218.583 | am | (P-7602/A-14973) | n | (P-7602/A-14973) | 218.991 | am | (P-10549) |
| 211.4850 | n | (P-12491/93.A-1253) | 218.602 | am | (P-12491/93.A-1945) | n | (P-12491/93.A-1945) | 218.991 | am | (P-10549) |
| 211.4970 | n | (P-12491/93.A-1253) | 218.611 | am | (P-12491/93.A-1945) | n | (P-12491/93.A-1945) | 218.991 | am | (P-10549) |
| 211.5060 | n | (P-7589/A-14962) | 218.620 | am | (P-12491/93.A-1945) | n | (P-12491/93.A-1945) | 218.991 | am | (P-10549) |
| 211.5065 | n | (P-15192) | 218.623 | n | (P-12491/93.A-1945) | n | (P-12491/93.A-1945) | 218.991 | am | (P-10549) |
| 211.5240 | n | (P-8331/A-15744) | 218.666 | n | (P-12491/93.A-1945) | n | (P-12491/93.A-1945) | 218.991 | am | (P-10549) |
| 211.5390 | n | (P-12491/93.A-1253) | 218.666 | n | (P-12491/93.A-1945) | n | (P-12491/93.A-1945) | 218.991 | am | (P-10549) |
| 211.5480 | n | (P-15192) | 218.667 | am | (P-12491/93.A-1945) | n | (P-12491/93.A-1945) | 218.991 | am | (P-10549) |
| 211.5530 | n | (P-12491/93.A-1253) | 218.668 | n | (P-12491/93.A-1945) | n | (P-12491/93.A-1945) | 218.991 | am | (P-10549) |
| 211.5600 | n | (P-15192) | 218.670 | n | (P-12491/93.A-1945) | n | (P-12491/93.A-1945) | 218.991 | am | (P-10549) |
| 211.6060 | n | (P-15192) | 218.672 | n | (P-12491/93.A-1945) | n | (P-12491/93.A-1945) | 218.991 | am | (P-10549) |
| 211.6110 | n | (P-12491/93.A-1253) | 218.686 | n | (P-12491/93.A-1945) | n | (P-12491/93.A-1945) | 218.991 | am | (P-10549) |
| 211.6140 | n | (P-15192) | 218.686 | am | (P-15211) | am | (P-15211) | 218.991 | am | (P-10549) |
| 211.6170 | n | (P-12491/93.A-1253) | 218.688 | n | (P-12491/93.A-1945) | n | (P-12491/93.A-1945) | 218.991 | am | (P-10549) |
| 211.6250 | n | (P-12491/93.A-1253) | 218.690 | n | (P-12491/93.A-1945) | n | (P-12491/93.A-1945) | 218.991 | am | (P-10549) |
| 211.6355 | n | (P-8331/A-15744) | 218.692 | n | (P-12491/93.A-1945) | n | (P-12491/93.A-1945) | 218.991 | am | (P-10549) |
| 211.6400 | n | (P-8331/A-15744) | 218.720 | n | (P-15211) | n | (P-15211) | 218.991 | am | (P-10549) |
| 211.6580 | n | (P-15192) | 218.726 | n | (P-15211) | n | (P-15211) | 218.991 | am | (P-10549) |
| 211.6630 | n | (P-12491/93.A-1253) | 218.726 | n | (P-15211) | n | (P-15211) | 218.991 | am | (P-10549) |
| 211.6650 | n | (P-12491/93.A-1253) | 218.727 | n | (P-15211) | n | (P-15211) | 218.991 | am | (P-10549) |
| 211.6710 | n | (P-12491/93.A-1253) | 218.778 | n | (P-15211) | n | (P-15211) | 218.991 | am | (P-10549) |
| 211.6830 | n | (P-12491/93.A-1253) | 218.730 | n | (P-15211) | n | (P-15211) | 218.991 | am | (P-10549) |
| 211.6880 | n | (P-15192) | 218.739 | n | (P-15211) | n | (P-15211) | 218.991 | am | (P-10549) |
| 211.6970 | am | (P-9228/A-16379) | 218.760 | am | (P-9228/A-16392) | am | (P-9228/A-16392) | 218.991 | am | (P-9228/A-16392) |
| 211.6990 | am | (P-9228/A-16379) | 218.762 | am | (P-9242/A-16392) | am | (P-9242/A-16392) | 218.991 | am | (P-9242/A-16392) |

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| 611 603 | am | (P 7642.A-12291) | 700 404 | r | (P-13572) | 703 242 | am | (P-13646) |
| 611 607 | am | (P 7642.A-12291) | 700 501 | r | (P-13572) | 703 244 | am | (P-13646) |
| 611 609 | am | (P 7642.A-12291) | 700 502 | r | (P-13572) | 703 245 | am | (P-13646) |
| 611 612 | am | (P 7642.A-12291) | 700 503 | r | (P-13572) | 703 246 | am | (P-13646) |
| 611 646 | am | (P 7642.A-12291) | 700 504 | r | (P-13572) | 703 247 | am | (P-13646) |
| 611 648 | am | (P 7642.A-12291) | 700 601 | r | (P-13572) | 703 283 | am | (P-13646) |
| 611 685 | am | (P 7642.A-12291) | 700 602 | r | (P-13572) | 703 Ap A | am | (P-419.A-6898) |
| 611 851 | am | (P 7642.A-12291) | 700 603 | r | (P-13572) | 704 102 | am | (P-13675) |
| 611 856 | am | (P 7642.A-12291) | 700 604 | r | (P-13572) | 704 103 | am | (P-13675) |
| 611 859 | am | (P 7642.A-12291) | 700 605 | r | (P-13572) | 704 104 | am | (P-13675) |
| 611 860 | am | (P 7642.A-12291) | 702 101 | am | (P-13613) | 704 121 | am | (P-13675) |
| 620 125 | am | (P-5113.A-14084) | 702 102 | r | (P-13613) | 704 122 | am | (P-13675) |
| 620 210 | am | (P-5113.A-14084) | 702 103 | am | (P-13613) | 704 123 | am | (P-13675) |
| 620 280 | am | (P-5113.A-14084) | 702 104 | am | (P-13613) | 704 141 | am | (P-13675) |
| 620 302 | am | (P-5113.A-14084) | 702 105 | am | (P-13613) | 704 142 | n | (P-13675) |
| 620 310 | am | (P-5113.A-14084) | 702 106 | am | (P-13613) | 704 143 | am | (P-13675) |
| 620 410 | am | (P-5113.A-14084) | 702 107 | am | (P-13613) | 704 144 | am | (P-13675) |
| 620 420 | am | (P-5113.A-14084) | 702 108 | am | (P-13613) | 704 145 | am | (P-13675) |
| 620 605 | am | (P-18720/93.A-10122) | 702 109 | am | (P-13613) | 704 146 | am | (P-13675) |
| 670 101 | n | (P-18720/93.A-10122) | 702 110 | am | (P-406.A-6918) | 704 147 | am | (P-13675) |
| 670 102 | n | (P-18720/93.A-10122) | 702 111 | am | (P-13613) | 704 148 | am | (P-13675) |
| 670 103 | n | (P-18720/93.A-10122) | 702 120 | am | (P-13613) | 704 149 | am | (P-13675) |
| 670 104 | n | (P-18720/93.A-10122) | 702 121 | am | (P-13613) | 704 150 | am | (P-13675) |
| 670 105 | n | (P-18720/93.A-10122) | 702 122 | am | (P-13613) | 704 161 | am | (P-13675) |
| 670 106 | n | (P-18720/93.A-10122) | 702 123 | am | (P-13613) | 704 162 | am | (P-13675) |
| 670 107 | n | (P-18720/93.A-10122) | 702 124 | am | (P-13613) | 704 164 | am | (P-13675) |
| 670 201 | n | (P-18720/93.A-10122) | 702 125 | am | (P-13613) | 704 181 | am | (P-13675) |
| 670 203 | n | (P-18720/93.A-10122) | 702 126 | am | (P-13613) | 704 182 | am | (P-13675) |
| 670 205 | n | (P-18720/93.A-10122) | 702 140 | am | (P-13613) | 704 183 | am | (P-13675) |
| 670 207 | n | (P-18720/93.A-10122) | 702 141 | am | (P-13613) | 704 184 | am | (P-13675) |
| 670 209 | n | (P-18720/93.A-10122) | 702 142 | am | (P-13613) | 704 185 | am | (P-13675) |
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| 832.307 | n | (P-11033) | 1075 1270 | am | (P-9858;A-15094) | 170 424 | n | (P-9106) |
| 832.308 | n | (P-11033) | 1075 1275 | am | (P-9858;A-15094) | 170 425 | n | (P-9106) |
| 832.309 | n | (P-11033) | 1075 1280 | am | (P-9858;A-15094) | 170 426 | n | (P-9106) |
| 832.310 | n | (P-11033) | 1075 1285 | am | (P-9858;A-15094) | 170 427 | n | (P-9106) |
| 832.311 | n | (P-11033) | 1075 1290 | am | (P-9858;A-15094) | 170 428 | n | (P-9106) |
| 832.312 | n | (P-11033) | 1075 1295 | am | (P-9858;A-15094) | 170 429 | n | (P-9106) |
| 832.313 | n | (P-11033) | 1075 1300 | am | (P-9858;A-15094) | 170 430 | n | (P-9106) |
| 832.314 | n | (P-11033) | 1075 1305 | am | (P-9858;A-15094) | 170 431 | n | (P-9106) |
| 832.315 | n | (P-11033) | 1075 1310 | am | (P-9858;A-15094) | 170 432 | n | (P-9106) |
| 832.316 | n | (P-11033) | 1075 1315 | am | (P-9858;A-15094) | 170 433 | n | (P-9106) |
| 832.317 | n | (P-11033) | 1075 1320 | am | (P-9858;A-15094) | 170 434 | n | (P-9106) |
| 832.318 | n | (P-11033) | 1075 1325 | am | (P-9858;A-15094) | 170 435 | n | (P-9106) |
| 832.319 | n | (P-11033) | 1075 1330 | am | (P-9858;A-15094) | 170 436 | n | (P-9106) |
| 832.320 | n | (P-11033) | 1075 1335 | am | (P-9858;A-15094) | 170 437 | n | (P-9106) |
| 832.321 | n | (P-11033) | 1075 1340 | am | (P-9858;A-15094) | 170 438 | n | (P-9106) |
| 832.322 | n | (P-11033) | 1075 1345 | am | (P-9858;A-15094) | 170 439 | n | (P-9106) |
| 832.323 | n | (P-11033) | 1075 1350 | am | (P-9858;A-15094) | 170 440 | n | (P-9106) |
| 832.324 | n | (P-11033) | 1075 1355 | am | (P-9858;A-15094) | 170 441 | n | (P-9106) |
| 832.325 | n | (P-11033) | 1075 1360 | am | (P-9858;A-15094) | 170 442 | n | (P-9106) |
| 832.326 | n | (P-11033) | 1075 1365 | am | (P-9858;A-15094) | 170 443 | n | (P-9106) |
| 832.327 | n | (P-11033) | 1075 1370 | am | (P-9858;A-15094) | 170 444 | n | (P-9106) |
| 832.328 | n | (P-11033) | 1075 1375 | am | (P-9858;A-15094) | 170 445 | n | (P-9106) |
| 832.329 | n | (P-11033) | 1075 1380 | am | (P-9858;A-15094) | 170 446 | n | (P-9106) |
| 832.330 | n | (P-11033) | 1075 1385 | am | (P-9858;A-15094) | 170 447 | n | (P-9106) |
| 832.331 | n | (P-11033) | 1075 1390 | am | (P-9858;A-15094) | 170 448 | n | (P-9106) |
| 832.332 | n | (P-11033) | 1075 1395 | am | (P-9858;A-15094) | 170 449 | n | (P-9106) |
| 832.333 | n | (P-11033) | 1075 1400 | am | (P-9858;A-15094) | 170 450 | n | (P-9106) |
| 832.334 | n | (P-11033) | 1075 1405 | am | (P-9858;A-15094) | 170 451 | n | (P-9106) |
| 832.335 | n | (P-11033) | 1075 1410 | am | (P-9858;A-15094) | 170 452 | n | (P-9106) |
| 832.336 | n | (P-11033) | 1075 1415 | am | (P-9858;A-15094) | 170 453 | n | (P-9106) |
| 832.337 | n | (P-11033) | 1075 1420 | am | (P-9858;A-15094) | 170 454 | n | (P-9106) |
| 832.338 | n | (P-11033) | 1075 1425 | am | (P-9858;A-15094) | 170 455 | n | (P-9106) |
| 832.339 | n | (P-11033) | 1075 1430 | am | (P-9858;A-15094) | 170 456 | n | (P-9106) |
| 832.340 | n | (P-11033) | 1075 1435 | am | (P-9858;A-15094) | 170 457 | n | (P-9106) |
| 832.341 | n | (P-11033) | 1075 1440 | am | (P-9858;A-15094) | 170 458 | n | (P-9106) |
| 832.342 | n | (P-11033) | 1075 1445 | am | (P-9858;A-15094) | 170 459 | n | (P-9106) |
| 832.343 | n | (P-11033) | 1075 1450 | am | (P-9858;A-15094) | 170 460 | n | (P-9106) |
| 832.344 | n | (P-11033) | 1075 1455 | am | (P-9858;A-15094) | 170 461 | n | (P-9106) |
| 832.345 | n | (P-11033) | 1075 1460 | am | (P-9858;A-15094) | 170 462 | n | (P-9106) |
| 832.346 | n | (P-11033) | 1075 1465 | am | (P-9858;A-15094) | 170 463 | n | (P-9106) |
| 832.347 | n | (P-11033) | 1075 1470 | am | (P-9858;A-15094) | 170 464 | n | (P-9106) |
| 832.348 | n | (P-11033) | 1075 1475 | am | (P-9858;A-15094) | 170 465 | n | (P-9106) |
| 832.349 | n | (P-11033) | 1075 1480 | am | (P-9858;A-15094) | 170 466 | n | (P-9106) |
| 832.350 | n | (P-11033) | 1075 1485 | am | (P-9858;A-15094) | 170 467 | n | (P-9106) |
| 832.351 | n | (P-11033) | 1075 1490 | am | (P-9858;A-15094) | 170 468 | n | (P-9106) |
| 832.352 | n | (P-11033) | 1075 1495 | am | (P-9858;A-15094) | 170 469 | n | (P-9106) |
| 832.353 | n | (P-11033) | 1075 1500 | am | (P-9858;A-15094) | 170 470 | n | (P-9106) |
| 832.354 | n | (P-11033) | 1075 1505 | am | (P-9858;A-15094) | 170 471 | n | (P-9106) |
| 832.355 | n | (P-11033) | 1075 1510 | am | (P-9858;A-15094) | 170 472 | n | (P-9106) |
| 832.356 | n | (P-11033) | 1075 1515 | am | (P-9858;A-15094) | 170 473 | n | (P-9106) |
| 832.357 | n | (P-11033) | 1075 1520 | am | (P-9858;A-15094) | 170 474 | n | (P-9106) |
| 832.358 | n | (P-11033) | 1075 1525 | am | (P-9858;A-15094) | 170 475 | n | (P-9106) |
| 832.359 | n | (P-11033) | 1075 1530 | am | (P-9858;A-15094) | 170 476 | n | (P-9106) |
| 832.360 | n | (P-11033) | 1075 1535 | am | (P-9858;A-15094) | 170 477 | n | (P-9106) |
| 832.361 | n | (P-11033) | 1075 1540 | am | (P-9858;A-15094) | 170 478 | n | (P-9106) |
| 832.362 | n | (P-11033) | 1075 1545 | am | (P-9858;A-15094) | 170 479 | n | (P-9106) |
| 832.363 | n | (P-11033) | 1075 1550 | am | (P-9858;A-15094) | 170 480 | n | (P-9106) |
| 832.364 | n | (P-11033) | 1075 1555 | am | (P-9858;A-15094) | 170 481 | n | (P-9106) |
| 832.365 | n | (P-11033) | 1075 1560 | am | (P-9858;A-15094) | 170 482 | n | (P-9106) |
| 832.366 | n | (P-11033) | 1075 1565 | am | (P-9858;A-15094) | 170 483 | n | (P-9106) |
| 832.367 | n | (P-11033) | 1075 1570 | am | (P-9858;A-15094) | 170 484 | n | (P-9106) |
| 832.368 | n | (P-11033) | 1075 1575 | am</ | | | | |

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| 170.431 | n | (P-9106) | 200.40 | am | (P-22) | 260.105 | am | (P-8293) |
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| 170.441 | n | (P-9106) | 200.70 | am | (P-22) | 260.107 | am | (P-8293) |
| 170.442 | n | (P-9106) | 200.100 | am | (P-22) | 260.108 | am | (P-8293) |
| 170.443 | am | (P-9106) | 200.120 | am | (P-22) | 260.109 | am | (P-8293) |
| 170.445 | am | (P-9106) | 200.190 | f | (P-22) | 260.110 | am | (P-8293) |
| 170.446 | am | (P-9106) | 200.190 | f | (P-22) | 260.111 | am | (P-8293) |
| 170.470 | am | (P-9106) | 200.180 | f | (P-22) | 260.112 | am | (P-8293) |
| 170.481 | n | (P-9106) | 200.200 | f | (P-22) | 260.113 | am | (P-8293) |
| 170.482 | am | (P-9106) | 200.230 | f | (P-22) | 260.114 | am | (P-8293) |
| 170.500 | am | (P-9106) | 200.240 | f | (P-22) | 260.201 | am | (P-8293) |
| 170.510 | am | (P-9106) | 200.250 | f | (P-22) | 260.202 | am | (P-8293) |
| 170.520 | am | (P-9106) | 200.260 | f | (P-22) | 260.203 | am | (P-8293) |
| 170.530 | am | (P-9106) | 200.270 | f | (P-22) | 260.204 | am | (P-8293) |
| 170.540 | am | (P-9106) | 200.280 | f | (P-22) | 260.205 | am | (P-8293) |
| 170.541 | am | (P-9106) | 200.290 | f | (P-22) | 260.301 | am | (P-8293) |
| 170.542 | n | (P-9106) | 200.300 | f | (P-22) | 260.302 | am | (P-8293) |
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| 170.545 | n | (P-9106) | 200.330 | f | (P-22) | 260.305 | am | (P-8293) |
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| 170.570 | am | (P-9106) | | | | 260.402 | am | (P-8293) |
| 170.580 | am | (P-9106) | 44.10 | n | (P-3208/A-9478) | 260.403 | am | (P-8293) |
| 170.580 | am | (P-9106) | 650.10 | n | (P-3208/A-9478) | 260.404 | am | (P-8293) |
| 170.600 | am | (P-9106) | 650.20 | n | (P-3208/A-9478) | 260.405 | am | (P-8293) |
| 170.610 | am | (P-9106) | 650.30 | n | (P-3208/A-9478) | 260.406 | am | (P-8293) |
| 170.620 | am | (P-9106) | 650.40 | n | (P-3208/A-9478) | 260.501 | am | (P-8293) |
| 170.630 | am | (P-9106) | 650.50 | n | (P-3208/A-9478) | 260.501 | am | (P-8293) |
| 170.640 | am | (P-9106) | 650.60 | n | (P-3208/A-9478) | 260.502 | am | (P-8293) |
| 170.650 | am | (P-9106) | 650.70 | n | (P-3208/A-9478) | 260.503 | am | (P-8293) |
| 170.660 | am | (P-9106) | 650.80 | n | (P-3208/A-9478) | 260.504 | am | (P-8293) |
| 170.670 | am | (P-9106) | 650.90 | n | (P-3208/A-9478) | 260.505 | am | (P-8293) |
| 170.671 | n | (P-9106) | 650.100 | n | (P-3208/A-9478) | 260.506 | am | (P-8293) |
| 170.672 | n | (P-9106) | 650.110 | n | (P-3208/A-9478) | 310.401 | am | (P-8293) |
| 170.673 | n | (P-9106) | 650.120 | n | (P-3208/A-9478) | 360.101 | am | (P-13659/93/A-1939) |
| 170.700 | n | (P-9106) | 650.130 | n | (P-3208/A-9478) | | | (E-2124/C-10503) |
| 170.705 | n | (P-9106) | 650.140 | n | (P-3208/A-9478) | | | (E-2124/C-10503) |
| 170.710 | n | (P-9106) | 650.150 | n | (P-3208/A-9478) | | | (E-2124/C-10503) |
| 170.720 | n | (P-9106) | 650.160 | n | (P-3208/A-9478) | | | (E-2124/C-10503) |
| 170.730 | n | (P-9106) | 650.170 | n | (P-3208/A-9478) | | | (E-2124/C-10503) |
| 170.740 | n | (P-9106) | 650.180 | n | (P-3208/A-9478) | | | (E-2124/C-10503) |
| 170.750 | n | (P-9106) | 650.190 | n | (P-3208/A-9478) | | | (E-2124/C-10503) |
| 170.760 | n | (P-9106) | 650.200 | n | (P-3208/A-9478) | | | (E-2124/C-10503) |
| 170.770 | n | (P-9106) | 650.210 | n | (P-3208/A-9478) | | | (E-2124/C-10503) |
| 170.780 | n | (P-9106) | 650.320 | n | (P-3208/A-9478) | | | (E-2124/C-10503) |
| 170.790 | n | (P-9106) | 650.330 | n | (P-3208/A-9478) | | | (E-2124/C-10503) |
| 170.795 | n | (P-9106) | 650.340 | n | (P-3208/A-9478) | | | (E-2124/C-10503) |
| 170.800 | am | (P-9106) | 650.350 | n | (P-3208/A-9478) | | | (E-2124/C-10503) |
| 170.810 | am | (P-9106) | 650.400 | n | (P-3208/A-9478) | | | (E-2124/C-10503) |
| 170.820 | am | (P-9106) | 650.450 | n | (P-3208/A-9478) | | | (E-2124/C-10503) |
| 170.830 | am | (P-9106) | 650.460 | n | (P-3208/A-9478) | | | (E-2124/C-10503) |
| 170.850 | am | (P-9106) | 650.470 | n | (P-3208/A-9478) | | | (E-2124/C-10503) |
| 170.860 | am | (P-9106) | 650.480 | n | (P-3208/A-9478) | | | (E-2124/C-10503) |
| 170.880 | am | (P-9106) | 5000.400 | n | (P-1521/93/A-1886) | 360.204 | n | (E-2124/C-10503) |
| 170.900 | am | (P-9106) | 5000.450 | n | (P-1521/93/A-1886) | 360.301 | am | (E-2124/C-10503) |
| 170.910 | am | (P-9106) | 5000.310 | am | (P-5057) | 360.303 | am | (E-2124/C-10503) |
| 170.920 | am | (P-9106) | | | | 360.304 | am | (E-2124/C-10503) |
| 170.930 | n | (P-9106) | 160.10 | am | (P-1574/93/A-5163) | 360.304 | am | (E-2124/C-10503) |
| 170.940 | n | (P-9106) | 160.30 | am | (P-1574/93/A-5163) | 360.305 | am | (E-2124/C-10503) |
| 170.1000 | n | (P-9106) | 160.40 | am | (P-1574/93/A-5163) | 360.309 | am | (E-2124/C-10503) |
| 170.1100 | n | (P-9106) | 160.50 | am | (P-1574/93/A-5163) | | | (E-2124/C-10503) |
| 170.1200 | n | (P-9106) | 160.60 | am | (P-1574/93/A-5163) | | | (E-2124/C-10503) |
| 170.1300 | n | (P-9106) | 160.70 | am | (P-1574/93/A-5163) | | | (E-2124/C-10503) |
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| 170.7b-A | n | (P-9106) | 160.80 | am | (P-1574/93/A-5163) | | | (E-2124/C-10503) |
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| 360.506 | am | (E-2124)(C-10503) (P-1669,A-8633) | 365.204 n |
| 360.507 | am | (E-2124)(C-10503) (P-1669,A-8633) | 365.301 n |
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| 360.603 | am | (E-2124)(C-10503) (P-1669,A-8633) | 365.304 n |
| 360.801 | am | (E-2124)(C-10503) (P-1669,A-8633) | 365.305 n |
| 360.802 | am | (E-2124)(C-10503) (P-1669,A-8633) | 365.401 n |
| 360.803 | am | (E-2124)(C-10503) (P-1669,A-8633) | 365.402 n |
| 360.804 | am | (E-2124)(C-10503) (P-1669,A-8633) | 365.403 n |
| 360.901 | am | (E-2124)(C-10503) (P-1669,A-8633) | 365.404 n |
| 360.902 | am | (E-2124)(C-10503) (P-1669,A-8633) | 365.405 n |
| 360.903 | am | (E-2124)(C-10503) (P-1669,A-8633) | 365.501 n |
| 360.904 | am | (E-2124)(C-10503) (P-1669,A-8633) | 365.502 n |
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| 1260.10 | am | (P-1127/93;A-2238) |
| 1260.20 | am | (P-1127/93;A-2238) |
| 1260.30 | am | (P-1127/93;A-2238) |
| 1260.40 | am | (P-1127/93;A-2238) |
| 1260.50 | am | (P-1127/93;A-2238) |
| 1260.E.A | am | (P-1127/93;A-2238) |
| 1270.10 | am | (P-1127/93;A-2238) |
| 1270.20 | am | (P-1127/93;A-2238) |
| 1270.30 | am | (P-1127/93;A-2238) |
| 1270.40 | am | (P-1127/93;A-2238) |
| 1270.50 | am | (P-1127/93;A-2238) |
| 1270.E.A | am | (P-1127/93;A-2238) |
| 1280.10 | am | (P-1127/93;A-2238) |
| 1280.20 | am | (P-1127/93;A-2238) |
| 1280.30 | am | (P-1127/93;A-2238) |
| 1280.40 | am | (P-1127/93;A-2238) |
| 1280.50 | am | (P-1127/93;A-2238) |
| 1280.E.A | am | (P-1127/93;A-2238) |
| 1290.10 | am | (P-1127/93;A-2238) |
| 1290.20 | am | (P-1127/93;A-2238) |
| 1290.30 | am | (P-1127/93;A-2238) |
| 1290.40 | am | (P-1127/93;A-2238) |
| 1290.50 | am | (P-1127/93;A-2238) |
| 1290.E.A | am | (P-1127/93;A-2238) |
| 1303.10 | am | (P-8320) |
| 1303.20 | am | (P-8320) |
| 1303.30 | am | (P-8320) |
| 1303.40 | am | (P-8320) |
| 1303.50 | am | (P-8320) |
| 1303.E.A | am | (P-8320) |
| 1313.10 | am | (P-37/A-1277) |
| 1313.20 | am | (P-37/A-1277) |
| 1313.30 | am | (P-37/A-1277) |
| 1313.40 | am | (P-37/A-1277) |
| 1313.50 | am | (P-37/A-1277) |
| 1313.E.A | am | (P-37/A-1277) |
| 1323.10 | am | (P-37/A-1277) |
| 1323.20 | am | (P-37/A-1277) |
| 1323.30 | am | (P-37/A-1277) |
| 1323.40 | am | (P-37/A-1277) |
| 1323.50 | am | (P-37/A-1277) |
| 1323.E.A | am | (P-37/A-1277) |
| 1333.10 | am | (P-37/A-1277) |
| 1333.20 | am | (P-37/A-1277) |
| 1333.30 | am | (P-37/A-1277) |
| 1333.40 | am | (P-37/A-1277) |
| 1333.50 | am | (P-37/A-1277) |
| 1333.E.A | am | (P-37/A-1277) |
| 1343.10 | am | (P-37/A-1277) |
| 1343.20 | am | (P-37/A-1277) |
| 1343.30 | am | (P-37/A-1277) |
| 1343.40 | am | (P-37/A-1277) |
| 1343.50 | am | (P-37/A-1277) |
| 1343.E.A | am | (P-37/A-1277) |
| 1353.10 | am | (P-37/A-1277) |
| 1353.20 | am | (P-37/A-1277) |
| 1353.30 | am | (P-37/A-1277) |
| 1353.40 | am | (P-37/A-1277) |
| 1353.50 | am | (P-37/A-1277) |
| 1353.E.A | am | (P-37/A-1277) |
| 1363.10 | am | (P-37/A-1277) |
| 1363.20 | am | (P-37/A-1277) |
| 1363.30 | am | (P-37/A-1277) |
| 1363.40 | am | (P-37/A-1277) |
| 1363.50 | am | (P-37/A-1277) |
| 1363.E.A | am | (P-37/A-1277) |
| 1373.10 | am | (P-37/A-1277) |
| 1373.20 | am | (P-37/A-1277) |
| 1373.30 | am | (P-37/A-1277) |
| 1373.40 | am | (P-37/A-1277) |
| 1373.50 | am | (P-37/A-1277) |
| 1373.E.A | am | (P-37/A-1277) |
| 1383.10 | am | (P-37/A-1277) |
| 1383.20 | am | (P-37/A-1277) |
| 1383.30 | am | (P-37/A-1277) |
| 1383.40 | am | (P-37/A-1277) |
| 1383.50 | am | (P-37/A-1277) |
| 1383.E.A | am | (P-37/A-1277) |
| 1393.10 | am | (P-37/A-1277) |
| 1393.20 | am | (P-37/A-1277) |
| 1393.30 | am | (P-37/A-1277) |
| 1393.40 | am | (P-37/A-1277) |
| 1393.50 | am | (P-37/A-1277) |
| 1393.E.A | am | (P-37/A-1277) |
| 1403.10 | am | (P-37/A-1277) |
| 1403.20 | am | (P-37/A-1277) |
| 1403.30 | am | (P-37/A-1277) |
| 1403.40 | am | (P-37/A-1277) |
| 1403.50 | am | (P-37/A-1277) |
| 1403.E.A | am | (P-37/A-1277) |
| 1413.10 | am | (P-37/A-1277) |
| 1413.20 | am | (P-37/A-1277) |
| 1413.30 | am | (P-37/A-1277) |
| 1413.40 | am | (P-37/A-1277) |
| 1413.50 | am | (P-37/A-1277) |
| 1413.E.A | am | (P-37/A-1277) |
| 1423.10 | am | (P-37/A-1277) |
| 1423.20 | am | (P-37/A-1277) |
| 1423.30 | am | (P-37/A-1277) |
| 1423.40 | am | (P-37/A-1277) |
| 1423.50 | am | (P-37/A-1277) |
| 1423.E.A | am | (P-37/A-1277) |
| 1433.10 | am | (P-37/A-1277) |
| 1433.20 | am | (P-37/A-1277) |
| 1433.30 | am | (P-37/A-1277) |
| 1433.40 | am | (P-37/A-1277) |
| 1433.50 | am | (P-37/A-1277) |
| 1433.E.A | am | (P-37/A-1277) |
| 1443.10 | am | (P-37/A-1277) |
| 1443.20 | am | (P-37/A-1277) |
| 1443.30 | am | (P-37/A-1277) |
| 1443.40 | am | (P-37/A-1277) |
| 1443.50 | am | (P-37/A-1277) |
| 1443.E.A | am | (P-37/A-1277) |
| 1453.10 | am | (P-37/A-1277) |
| 1453.20 | am | (P-37/A-1277) |
| 1453.30 | am | (P-37/A-1277) |
| 1453.40 | am | (P-37/A-1277) |
| 1453.50 | am | (P-37/A-1277) |
| 1453.E.A | am | (P-37/A-1277) |
| 1463.10 | am | (P-37/A-1277) |
| 1463.20 | am | (P-37/A-1277) |
| 1463.30 | am | (P-37/A-1277) |
| 1463.40 | am | (P-37/A-1277) |
| 1463.50 | am | (P-37/A-1277) |
| 1463.E.A | am | (P-37/A-1277) |
| 1473.10 | am | (P-37/A-1277) |
| 1473.20 | am | (P-37/A-1277) |
| 1473.30 | am | (P-37/A-1277) |
| 1473.40 | am | (P-37/A-1277) |
| 1473.50 | am | (P-37/A-1277) |
| 1473.E.A | am | (P-37/A-1277) |
| 1483.10 | am | (P-37/A-1277) |
| 1483.20 | am | (P-37/A-1277) |
| 1483.30 | am | (P-37/A-1277) |
| 1483.40 | am | (P-37/A-1277) |
| 1483.50 | am | (P-37/A-1277) |
| 1483.E.A | am | (P-37/A-1277) |
| 1493.10 | am | (P-37/A-1277) |
| 1493.20 | am | (P-37/A-1277) |
| 1493.30 | am | (P-37/A-1277) |
| 1493.40 | am | (P-37/A-1277) |
| 1493.50 | am | (P-37/A-1277) |
| 1493.E.A | am | (P-37/A-1277) |
| 1503.10 | am | (P-37/A-1277) |
| 1503.20 | am | (P-37/A-1277) |
| 1503.30 | am | (P-37/A-1277) |
| 1503.40 | am | (P-37/A-1277) |
| 1503.50 | am | (P-37/A-1277) |
| 1503.E.A | am | (P-37/A-1277) |
| 1513.10 | am | (P-37/A-1277) |
| 1513.20 | am | (P-37/A-1277) |
| 1513.30 | am | (P-37/A-1277) |
| 1513.40 | am | (P-37/A-1277) |
| 1513.50 | am | (P-37/A-1277) |
| 1513.E.A | am | (P-37/A-1277) |
| 1523.10 | am | (P-37/A-1277) |
| 1523.20 | am | (P-37/A-1277) |
| 1523.30 | am | (P-37/A-1277) |
| 1523.40 | am | (P-37/A-1277) |
| 1523.50 | am | (P-37/A-1277) |
| 1523.E.A | am | (P-37/A-1277) |
| 1533.10 | am | (P-37/A-1277) |
| 1533.20 | am | (P-37/A-1277) |
| 1533.30 | am | (P-37/A-1277) |
| 1533.40 | am | (P-37/A-1277) |
| 1533.50 | am | (P-37/A-1277) |
| 1533.E.A | am | (P-37/A-1277) |
| 1543.10 | am | (P-37/A-1277) |
| 1543.20 | am | (P-37/A-1277) |
| 1543.30 | am | (P-37/A-1277) |
| 1543.40 | am | (P-37/A-1277) |
| 1543.50 | am | (P-37/A-1277) |
| 1543.E.A | am | (P-37/A-1277) |
| 1553.10 | am | (P-37/A-1277) |
| 1553.20 | am | (P-37/A-1277) |
| 1553.30 | am | (P-37/A-1277) |
| 1553.40 | am | (P-37/A-1277) |
| 1553.50 | am | (P-37/A-1277) |
| 1553.E.A | am | (P-37/A-1277) |
| 1563.10 | am | (P-37/A-1277) |
| 1563.20 | am | (P-37/A-1277) |
| 1563.30 | am | (P-37/A-1277) |
| 1563.40 | am | (P-37/A-1277) |
| 1563.50 | am | (P-37/A-1277) |
| 1563.E.A | am | (P-37/A-1277) |
| 1573.10 | am | (P-37/A-1277) |
| 1573.20 | am | (P-37/A-1277) |
| 1573.30 | am | (P-37/A-1277) |
| 1573.40 | am | (P-37/A-1277) |
| 1573.50 | am | (P-37/A-1277) |
| 1573.E.A | am | (P-37/A-1277) |
| 1583.10 | am | (P-37/A-1277) |
| 1583.20 | am | (P-37/A-1277) |
| 1583.30 | am | (P-37/A-1277) |
| 1583.40 | am | (P-37/A-1277) |
| 1583.50 | am | (P-37/A-1277) |
| 1583.E.A | am | (P-37/A-1277) |
| 1593.10 | am | (P-37/A-1277) |
| 1593.20 | am | (P-37/A-1277) |
| 1593.30 | am | (P-37/A-1277) |
| 1593.40 | am | (P-37/A-1277) |
| 1593.50 | am | (P-37/A-1277) |
| 1593.E.A | am | (P-37/A-1277) |
| 1603.10 | am | (P-37/A-1277) |
| 1603.20 | am | (P-37/A-1277) |
| 1603.30 | am | (P-37/A-1277) |
| 1603.40 | am | (P-37/A-1277) |
| 1603.50 | am | (P-37/A-1277) |
| 1603.E.A | am | (P-37/A-1277) |
| 1613.10 | am | (P-37/A-1277) |
| 1613.20 | am | (P-37/A-1277) |
| 1613.30 | am | (P-37/A-1277) |
| 1613.40 | am | (P-37/A-1277) |
| 1613.50 | am | (P-37/A-1277) |
| 1613.E.A | am | (P-37/A-1277) |
| 1623.10 | am | (P-37/A-1277) |
| 1623.20 | am | (P-37/A-1277) |
| 1623.30 | am | (P-37/A-1277) |
| 1623.40 | am | (P-37/A-1277) |
| 1623.50 | am | (P-37/A-1277) |
| 1623.E.A | am | (P-37/A-1277) |
| 1633.10 | am | (P-37/A-1277) |
| 1633.20 | am | (P-37/A-1277) |
| 1633.30 | am | (P-37/A-1277) |
| 1633.40 | am | (P-37/A-1277) |
| 1633.50 | am | (P-37/A-1277) |
| 1633.E.A | am | (P-37/A-1277) |
| 1643.10 | am | (P-37/A-1277) |
| 1643.20 | am | (P-37/A-1277) |
| 1643.30 | am | (P-37/A-1277) |
| 1643.40 | am | (P-37/A-1277) |
| 1643.50 | am | (P-37/A-1277) |
| 1643.E.A | am | (P-37/A-1277) |
| 1653.10 | am | (P-37/A-1277) |
| 1653.20 | am | (P-37/A-1277) |
| 1653.30 | am | (P-37/A-1277) |
| 1653.40 | am | (P-37/A-1277) |
| 1653.50 | am | (P-37/A-1277) |
| 1653.E.A | am | (P-37/A-1277) |
| 1663.10 | am | (P-37/A-1277) |
| 1663.20 | am | (P-37/A-1277) |
| 1663.30 | am | (P-37/A-1277) |
| 1663.40 | am | (P-37/A-1277) |
| 1663.50 | am | (P-37/A-1277) |
| 1663.E.A | am | (P-37/A-1277) |
| 1673.10 | am | (P-37/A-1277) |
| 1673.20 | am | (P-37/A-1277) |
| 1673.30 | am | (P-37/A-1277) |
| 1673.40 | am | (P-37/A-1277) |
| 1673.50 | am | (P-37/A-1277) |
| 1673.E.A | am | (P-37/A-1277) |
| 1683.10 | am | (P-37/A-1277) |
| 1683.20 | am | (P-37/A-1277) |
| 1683.30 | am | (P-37/A-1277) |
| 1683.40 | am | (P-37/A-1277) |
| 1683.50 | am | (P-37/A-1277) |
| 1683.E.A | am | (P-37/A-1277) |
| 1693.10 | am | (P-37/A-1277) |
| 1693.20 | am | (P-37/A-1277) |
| 1693.30 | am | (P-37/A-1277) |
| 1693.40 | am | (P-37/A-1277) |
| 1693.50 | am | (P-37/A-1277) |
| 1693.E.A | am | (P-37/A-1277) |
| 1703.10 | am | (P-37/A-1277) |
| 1703.20 | am | (P-37/A-1277) |
| 1703.30 | am | (P-37/A-1277) |
| 1703.40 | am | (P-37/A-1277) |
| 1703.50 | am | (P-37/A-1277) |
| 1703.E.A | am | (P-37/A-1277) |
| 1713.10 | am | (P-37/A-1277) |
| 1713.20 | am | (P-37/A-1277) |
| 1713.30 | am | (P-37/A-1277) |
| 1713.40 | am | (P-37/A-1277) |
| 1713.50 | am | (P-37/A-1277) |
| 1713.E.A | am | (P-37/A-1277) |
| 1723.10 | am | (P-37/A-1277) |
| 1723.20 | am | (P-37/A-1277) |
| 1723.30 | am | (P-37/A-1277) |
| 1723.40 | am | (P-37/A-1277) |
| 1723.50 | am | (P-37/A-1277) |
| 1723.E.A | am | (P-37/A-1277) |
| 1733.10 | am | (P-37/A-1277) |
| 1733.20 | am | (P-37/A-1277) |
| 1733.30 | am | (P-37/A-1277) |
| 1733.40 | am | (P-37/A-1277) |
| 1733.50 | am | (P-37/A-1277) |
| 1733.E.A | am | (P-37/A-1277) |
| 1743.10 | am | (P-37/A-1277) |
| 1743.20 | am | (P-37/A-1277) |
| 1743.30 | am | (P-37/A-1277) |
| 1743.40 | am | (P-37/A-1277) |
| 1743.50 | am | (P-37/A-1277) |
| 1743.E.A | am | (P-37/A-1277) |
| 1753.10 | am | (P-37/A-1277) |
| 1753.20 | am | (P-37/A-1277) |
| 1753.30 | am | (P-37/A-1277) |
| 1753.40 | am | (P-37/A-1277) |
| 1753.50 | am | (P-37/A-1277) |
| 1753.E.A | am | (P-37/A-1277) |
| 1763.10 | am | (P-37/A-1277) |
| 1763.20 | am | (P-37/A-1277) |
| 1763.30 | am | (P-37/A-1277) |
| 1763.40 | am | (P-37/A-1277) |
| 1763.50 | am | (P-37/A-1277) |
| 1763.E.A | am | (P-37/A-1277) |
| 1773.10 | am | (P-37/A-1277) |
| 1773.20 | am | (P-37/A-1277) |
| 1773.30 | am | (P-37/A-1277) |
| 1773.40 | am | (P-37/A-1277) |
| 1773.50 | am | (P-37/A-1277) |
| 1773.E.A | am | (P-37/A-1277) |
| 1783.10 | am | (P-37/A-1277) |
| 1783.20 | am | (P-37/A-1277) |
| 1783.30 | am | (P-37/A-1277) |
| 1783.40 | am | (P-37/A-1277) |
| 1783.50 | am | (P-37/A-1277) |
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| 6000.140 | am | (P-6040;A-13384) | 240.250 | am | (P-2212893;A-8061) | 240.1850 | n | (P-2212893;A-8061) |
| 6000.150 | am | (P-6040;A-13384) | 240.310 | am | (P-2212893;A-8061) | 240.1855 | n | (P-2212893;A-8061) |
| 6000.160 | am | (P-6040;A-13384) | 240.320 | am | (P-2212893;A-8061) | 240.1860 | n | (P-2212893;A-8061) |
| 6000.170 | am | (P-6040;A-13384) | 240.330 | am | (P-2212893;A-8061) | 240.1865 | n | (P-2212893;A-8061) |
| 6000.190 | am | (P-6040;A-13384) | 240.370 | am | (P-2212893;A-8061) | 240.1870 | n | (P-2212893;A-8061) |
| 6000.220 | am | (P-6040;A-13384) | 240.380 | am | (P-2212893;A-8061) | 240.1900 | n | (P-2212893;A-8061) |
| 6000.250 | am | (P-6040;A-13384) | 240.460 | am | (P-2212893;A-8061) | 240.1905 | n | (P-2212893;A-8061) |
| 6000.260 | am | (P-6040;A-13384) | 240.470 | n | (P-2212893;A-8061) | 240.1910 | n | (P-2212893;A-8061) |
| 6000.270 | am | (P-6040;A-13384) | 240.500 | am | (P-2212893;A-8061) | 240.1920 | n | (P-2212893;A-8061) |
| 6000.280 | am | (P-6040;A-13384) | 240.610 | am | (P-2212893;A-8061) | 240.1930 | n | (P-2212893;A-8061) |
| 6000.290 | am | (P-6040;A-13384) | 240.640 | am | (P-2212893;A-8061) | 240.1940 | n | (P-2212893;A-8061) |
| 6000.300 | am | (P-6040;A-13384) | 240.710 | am | (P-2212893;A-8061) | 240.1950 | n | (P-2212893;A-8061) |
| 6000.310 | am | (P-6040;A-13384) | 240.740 | am | (P-2212893;A-8061) | 240.1960 | n | (P-2212893;A-8061) |
| 6000.320 | am | (P-6040;A-13384) | 240.750 | am | (P-2212893;A-8061) | TITLE 68 | | |
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| 6000.340 | am | (P-6040;A-13384) | 240.780 | am | (P-2212893;A-8061) | 590.30 | am | (P-1476593;A-1865) |
| | | | 240.810 | am | (P-2212893;A-8061) | 610.10 | r | (P-1477593;A-1875) |
| | | | 240.810 | am | (P-2212893;A-8061) | 610.20 | am | (P-1477593;A-1875) |
| | | | 240.860 | am | (P-2212893;A-8061) | 610.30 | am | (P-1477593;A-1875) |
| | | | 240.861 | am | (E-10380;P-1696;A-1656) | 610.40 | am | (P-1477593;A-1875) |
| | | | 240.861 | n | (P-2212893;A-8061) | 610.60 | am | (P-1477593;A-1875) |
| | | | 240.861 | am | (E-10380;P-1696;A-1656) | 1150.10 | n | (P-1133793;A-10736) |
| | | | 240.880 | am | (P-2212893;A-8061) | 1150.20 | am | (P-10500) |
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| | | | 240.1460 | am | (P-2212893;A-8061) | 1175.1125 | am | (P-2021793;A-4856) |
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| | | | 240.1510 | am | (P-2212893;A-8061) | 1175.1135 | am | (P-2021793;A-4856) |
| | | | 240.1520 | am | (P-2212893;A-8061) | 1175.1145 | am | (P-2021793;A-4856) |
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| | | | 240.1620 | am | (P-2212893;A-8061) | 1175.1155 | am | (P-2021793;A-4856) |
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| | | | 240.1710 | n | (P-2212893;A-8061) | 1175.1200 | am | (P-2021793;A-4856) |
| | | | 240.1720 | n | (P-2212893;A-8061) | 1175.1210 | am | (P-2021793;A-4856) |
| | | | 240.1730 | am | (P-2212893;A-8061) | 1175.1215 | am | (P-2021793;A-4856) |
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| | | | 240.1805 | n | (P-2212893;A-8061) | 1200.40 | am | (P-12103) |
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| | | | 240.2340 | am | (P-2212893;A-8061) | 1240.255 | am | (P-14567) |
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| | | | 240.2370 | am | (P-2212893;A-8061) | 1240.270 | am | (P-14567) |
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| | | | 240.2390 | am | (P-2212893;A-8061) | 1240.280 | am | (P-14567) |
| | | | 240.2400 | am | (P-2212893;A-8061) | 1240.285 | am | (P-14567) |
| | | | 240.2410 | am | (P-2212893;A-8061) | 1240.290 | am | (P-14567) |
| | | | 240.2420 | am | (P-2212893;A-8061) | 1240.295 | am | (P-14567) |
| | | | 240.2430 | am | (P-2212893;A-8061) | 1240.300 | am | (P-14567) |
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| | | | 240.2450 | am | (P-2212893;A-8061) | 1240.310 | am | (P-14567) |
| | | | 240.2460 | am | (P-2212893;A-8061) | 1240.315 | am | (P-14567) |
| | | | 240.2470 | am | (P-2212893;A-8061) | 1240.320 | am | (P-14567) |
| | | | 240.2480 | am | (P-2212893;A-8061) | 1240.325 | am | (P-14567) |
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| | | | 240.2670 | am | (P-2212893;A-8061) | 1240.420 | am | (P-14567) |
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| 535.850 | am | (P-19846/93.A-14375) | 597.320 | am | (P-8590) | 600.1210 | r | (P-14806/93.A-4276) |
| 535.860 | am | (P-19846/93.A-14375) | 597.330 | am | (P-8590) | 600.1220 | r | (P-14831/93.A-4276) |
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| 547.200 | n | (P-95.A-6340) | 598.30 | n | (P-3077.A-11931) | 600.1400 | r | (P-14806/93.A-4276) |
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| 547.400 | n | (P-95.A-6340) | 598.120 | n | (P-3077.A-11931) | 600.1500 | r | (P-14806/93.A-4276) |
| 547.500 | n | (P-95.A-6340) | 598.130 | n | (P-3077.A-11931) | 600.1600 | r | (P-14831/93.A-4276) |
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| 593.30 | n | (P-11352/93.A-11987) | 600.120 | r | (P-14806/93.A-4276) | 610.220 | r | (P-14831/93.A-4276) |
| 593.100 | n | (P-11352/93.A-11987) | 600.130 | r | (P-14831/93.A-4276) | 610.100 | n | (P-14806/93.A-4276) |
| 593.110 | n | (P-11352/93.A-11987) | 600.140 | r | (P-14831/93.A-4276) | 610.110 | n | (P-14831/93.A-4276) |
| 593.120 | n | (P-11352/93.A-11987) | 600.200 | r | (P-14806/93.A-4276) | 610.210 | n | (P-14831/93.A-4276) |
| 593.130 | n | (P-11352/93.A-11987) | 600.210 | r | (P-14831/93.A-4276) | 610.300 | n | (P-14806/93.A-4276) |
| 593.140 | n | (P-11352/93.A-11987) | 600.220 | r | (P-14831/93.A-4276) | 610.310 | n | (P-14831/93.A-4276) |
| 593.200 | n | (P-11352/93.A-11987) | 600.230 | r | (P-14806/93.A-4276) | 610.320 | n | (P-14831/93.A-4276) |
| 593.210 | n | (P-11352/93.A-11987) | 600.240 | r | (P-14831/93.A-4276) | 615.100 | n | (P-14806/93.A-4276) |
| 593.220 | n | (P-11352/93.A-11987) | 600.250 | r | (P-14831/93.A-4276) | 615.110 | n | (P-14831/93.A-4276) |
| 593.230 | n | (P-11352/93.A-11987) | 600.260 | r | (P-14806/93.A-4276) | 615.120 | r | (P-14831/93.A-4276) |
| 593.240 | n | (P-11352/93.A-11987) | 600.300 | r | (P-14831/93.A-4276) | 615.130 | r | (P-14806/93.A-4276) |
| 594.10 | n | (P-8572) | 600.310 | n | (P-14831/93.A-4276) | 615.140 | r | (P-14831/93.A-4276) |
| 594.20 | n | (P-8572) | 600.300 | n | (P-14806/93.A-4276) | 614.140 | r | (P-14806/93.A-4276) |

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| | 614.160 | r | (P-17741/93.A-4317) | 665.640 | am | (P-2697/93.A-4296) | 690.300 | am | (P-1691.A-10158) |
| | 614.200 | r | (P-17741/93.A-4317) | 665.Ap.B | am | (P-2697/93.A-4296) | 690.310 | am | (P-1691.A-10158) |
| | 615.200 | n | (P-17798/93.A-4320) | 672.100 | am | (P-12228/93.A-2450) | 690.320 | am | (P-1691.A-10158) |
| | 615.210 | n | (P-17798/93.A-4320) | 672.105 | am | (P-14308) | 690.325 | n | (P-1691.A-10158) |
| | 615.220 | n | (P-17798/93.A-4320) | 672.115 | am | (P-12228/93.A-2450) | 690.330 | am | (P-1691.A-10158) |
| | 615.230 | n | (P-17798/93.A-4320) | 672.115 | am | (E-13125/P-14308) | 690.350 | am | (P-1691.A-10158) |
| | 615.300 | n | (P-17798/93.A-4320) | 672.200 | am | (P-12228/93.A-2450) | 690.365 | n | (P-1691.A-10158) |
| | 615.310 | r | (P-17741/93.A-4317) | 672.205 | am | (P-14308) | 690.370 | am | (P-1691.A-10158) |
| | 615.320 | n | (P-17741/93.A-4317) | 672.210 | am | (P-12228/93.A-2450) | 690.390 | am | (P-1691.A-10158) |
| | 615.330 | n | (P-17798/93.A-4320) | 672.220 | am | (P-14308) | 690.400 | am | (P-1691.A-10158) |
| | 615.340 | r | (P-17741/93.A-4317) | 672.225 | am | (P-12228/93.A-2450) | 690.420 | am | (P-1691.A-10158) |
| | 615.350 | r | (P-17798/93.A-4320) | 672.225 | am | (E-13125/P-14308) | 690.450 | am | (P-1691.A-10158) |
| | 615.360 | r | (P-17741/93.A-4317) | 672.300 | am | (P-12228/93.A-2450) | 690.460 | am | (P-1691.A-10158) |
| | 615.370 | r | (P-17741/93.A-4317) | 672.310 | am | (P-12228/93.A-2450) | 690.470 | am | (P-1691.A-10158) |
| | 615.380 | r | (P-17741/93.A-4317) | 672.315 | r | (E-13125/P-14308) | 690.475 | am | (P-1691.A-10158) |
| | 615.390 | r | (P-17741/93.A-4317) | 672.405 | am | (P-14308) | 690.480 | am | (P-1691.A-10158) |
| | 615.400 | n | (P-17798/93.A-4320) | 672.415 | am | (P-12228/93.A-2450) | 690.490 | am | (P-1691.A-10158) |
| | 615.410 | n | (P-17741/93.A-4317) | 672.420 | am | (P-12228/93.A-2450) | 690.495 | n | (P-1691.A-10158) |
| | 615.520 | r | (P-17741/93.A-4317) | 672.425 | am | (E-13125/P-14308) | 690.505 | am | (P-1691.A-10158) |
| | 615.530 | r | (P-17741/93.A-4317) | 672.435 | am | (P-12228/93.A-2450) | 690.510 | am | (P-1691.A-10158) |
| | 615.540 | r | (P-17741/93.A-4317) | 672.440 | am | (P-12228/93.A-2450) | 690.600 | am | (P-1691.A-10158) |
| | 615.550 | r | (P-17741/93.A-4317) | 672.445 | am | (E-13125/P-14308) | 690.610 | am | (P-1691.A-10158) |
| | 615.560 | r | (P-17741/93.A-4317) | 672.450 | am | (P-12228/93.A-2450) | 690.630 | am | (P-1691.A-10158) |
| | 615.600 | r | (P-17741/93.A-4317) | 672.505 | am | (E-13125/P-14308) | 690.640 | am | (P-1691.A-10158) |
| | 615.610 | r | (P-17741/93.A-4317) | 672.510 | am | (P-12228/93.A-2450) | 690.650 | am | (P-1691.A-10158) |
| | 615.620 | r | (P-17741/93.A-4317) | 672.515 | am | (P-12228/93.A-2450) | 690.660 | am | (P-1691.A-10158) |
| | 615.630 | r | (P-17741/93.A-4317) | 672.520 | am | (E-13125/P-14308) | 690.670 | am | (P-1691.A-10158) |
| | 615.640 | r | (P-17741/93.A-4317) | 672.510 | am | (P-12228/93.A-2450) | 690.695 | am | (P-1691.A-10158) |
| | 615.700 | r | (P-17741/93.A-4317) | 672.515 | am | (E-13125/P-14308) | 690.710 | am | (P-1691.A-10158) |
| | 615.710 | r | (P-17741/93.A-4317) | 672.515 | am | (P-12228/93.A-2450) | 690.725 | n | (P-1691.A-10158) |
| | 615.720 | r | (P-17741/93.A-4317) | 672.520 | am | (E-13125/P-14308) | 690.730 | n | (P-1691.A-10158) |
| | 615.730 | r | (P-17741/93.A-4317) | 672.525 | am | (P-12228/93.A-2450) | 690.900 | am | (P-1691.A-10158) |
| | 615.740 | r | (P-17741/93.A-4317) | 672.525 | r | (E-13125/P-14308) | 690.1000 | am | (P-1691.A-10158) |
| | 615.750 | r | (P-17741/93.A-4317) | 672.600 | r | (P-12228/93.A-2450) | 690.1010 | am | (P-1691.A-10158) |
| | 615.760 | r | (P-17741/93.A-4317) | 672.600 | n | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 615.770 | r | (P-17741/93.A-4317) | 672.605 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 615.800 | r | (P-17741/93.A-4317) | 672.605 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 615.810 | r | (P-17741/93.A-4317) | 672.610 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 615.820 | r | (P-17741/93.A-4317) | 672.610 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 615.830 | r | (P-17741/93.A-4317) | 672.615 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 615.840 | r | (P-17741/93.A-4317) | 672.615 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 615.850 | r | (P-17741/93.A-4317) | 672.620 | am | (P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 615.860 | n | (P-17798/93.A-4320) | 672.620 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.900 | am | (P-3069/93.A-4380) | 672.620 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.920 | am | (P-1988/93.A-4369) | 672.625 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.930 | am | (P-2697/93.A-4296) | 672.625 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.940 | am | (P-2697/93.A-4296) | 672.630 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.110 | am | (P-2697/93.A-4296) | 672.635 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.120 | am | (P-2697/93.A-4296) | 672.635 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.140 | am | (P-2697/93.A-4296) | 672.640 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.150 | am | (P-2697/93.A-4296) | 672.645 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.210 | am | (P-2697/93.A-4296) | 672.650 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.220 | am | (P-2697/93.A-4296) | 672.650 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.230 | am | (P-2697/93.A-4296) | 672.655 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.240 | am | (P-2697/93.A-4296) | 672.660 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.280 | am | (P-2697/93.A-4296) | 672.665 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.310 | am | (P-2697/93.A-4296) | 672.670 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.320 | am | (P-2697/93.A-4296) | 672.675 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.400 | am | (P-2697/93.A-4296) | 672.680 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.430 | am | (P-2697/93.A-4296) | 672.685 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.450 | am | (P-2697/93.A-4296) | 672.690 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.510 | am | (P-2697/93.A-4296) | 672.695 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.620 | am | (P-2697/93.A-4296) | 672.700 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.630 | am | (P-2697/93.A-4296) | 672.705 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.640 | am | (P-2697/93.A-4296) | 672.710 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.650 | am | (P-2697/93.A-4296) | 672.715 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.660 | am | (P-2697/93.A-4296) | 672.720 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.670 | am | (P-2697/93.A-4296) | 672.725 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.680 | am | (P-2697/93.A-4296) | 672.730 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.690 | am | (P-2697/93.A-4296) | 672.735 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.700 | am | (P-2697/93.A-4296) | 672.740 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.710 | am | (P-2697/93.A-4296) | 672.745 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.720 | am | (P-2697/93.A-4296) | 672.750 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.730 | am | (P-2697/93.A-4296) | 672.755 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.740 | am | (P-2697/93.A-4296) | 672.760 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.750 | am | (P-2697/93.A-4296) | 672.765 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.760 | am | (P-2697/93.A-4296) | 672.770 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.770 | am | (P-2697/93.A-4296) | 672.775 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.780 | am | (P-2697/93.A-4296) | 672.780 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.790 | am | (P-2697/93.A-4296) | 672.785 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.800 | am | (P-2697/93.A-4296) | 672.790 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.810 | am | (P-2697/93.A-4296) | 672.795 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.820 | am | (P-2697/93.A-4296) | 672.800 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.830 | am | (P-2697/93.A-4296) | 672.805 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.840 | am | (P-2697/93.A-4296) | 672.810 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.850 | am | (P-2697/93.A-4296) | 672.815 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.860 | am | (P-2697/93.A-4296) | 672.820 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.870 | am | (P-2697/93.A-4296) | 672.825 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.880 | am | (P-2697/93.A-4296) | 672.830 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.890 | am | (P-2697/93.A-4296) | 672.835 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.900 | am | (P-2697/93.A-4296) | 672.840 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.910 | am | (P-2697/93.A-4296) | 672.845 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.920 | am | (P-2697/93.A-4296) | 672.850 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.930 | am | (P-2697/93.A-4296) | 672.855 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.940 | am | (P-2697/93.A-4296) | 672.860 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.950 | am | (P-2697/93.A-4296) | 672.865 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.960 | am | (P-2697/93.A-4296) | 672.870 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.970 | am | (P-2697/93.A-4296) | 672.875 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.980 | am | (P-2697/93.A-4296) | 672.880 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.990 | am | (P-2697/93.A-4296) | 672.885 | am | (P-12228/93.A-2450) | 690.1210 | am | (P-1691.A-10158) |
| | 635.1000 | am | (P-2697/93.A-4296) | 672.890 | am | (E-13125/P-14308) | 690.1210 | am | (P-1691.A-10158) |
| | 635.1010 | am | (P-2697/93.A-4296) | 672.895 | am | (P-12228/93.A-2450) | 690.1210 | am | (|

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| 114.466 | am | (P-138423.93.A.3436) | 140.421 | am | (P-15444.93.A.4250) | 148.60 | am | (P-15291.93.A.3450) | 240.870 | am | (P-14225.93.A.609) | 380.2 | r | (P-8779) | 431.4 | am | (CC-7951) |
| 114.467 | am | (P-13946) | 140.440 | am | (P-4597) | 148.70 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.3 | r | (P-8779) | 431.5 | am | (CC-7951) |
| 114.468 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.4 | r | (P-8779) | 431.6 | am | (CC-7951) |
| 114.469 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.5 | r | (P-8779) | 431.7 | am | (CC-7951) |
| 114.470 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.6 | r | (P-8779) | 431.8 | am | (CC-7951) |
| 114.471 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.7 | r | (P-8779) | 431.9 | am | (CC-7951) |
| 114.472 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.8 | r | (P-8779) | 431.10 | am | (CC-7951) |
| 114.473 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.9 | r | (P-8779) | 431.11 | am | (CC-7951) |
| 114.474 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.10 | r | (P-8779) | 431.12 | am | (CC-7951) |
| 114.475 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.11 | r | (P-8779) | 431.13 | am | (CC-7951) |
| 114.476 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.12 | r | (P-8779) | 431.14 | am | (CC-7951) |
| 114.477 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.13 | r | (P-8779) | 431.15 | am | (CC-7951) |
| 114.478 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.14 | r | (P-8779) | 431.16 | am | (CC-7951) |
| 114.479 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.15 | r | (P-8779) | 431.17 | am | (CC-7951) |
| 114.480 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.16 | r | (P-8779) | 431.18 | am | (CC-7951) |
| 114.481 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.17 | r | (P-8779) | 431.19 | am | (CC-7951) |
| 114.482 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.18 | r | (P-8779) | 431.20 | am | (CC-7951) |
| 114.483 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.19 | r | (P-8779) | 431.21 | am | (CC-7951) |
| 114.484 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.20 | r | (P-8779) | 431.22 | am | (CC-7951) |
| 114.485 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.21 | r | (P-8779) | 431.23 | am | (CC-7951) |
| 114.486 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.22 | r | (P-8779) | 431.24 | am | (CC-7951) |
| 114.487 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.23 | r | (P-8779) | 431.25 | am | (CC-7951) |
| 114.488 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.24 | r | (P-8779) | 431.26 | am | (CC-7951) |
| 114.489 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.25 | r | (P-8779) | 431.27 | am | (CC-7951) |
| 114.490 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.26 | r | (P-8779) | 431.28 | am | (CC-7951) |
| 114.491 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.27 | r | (P-8779) | 431.29 | am | (CC-7951) |
| 114.492 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.28 | r | (P-8779) | 431.30 | am | (CC-7951) |
| 114.493 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.29 | r | (P-8779) | 431.31 | am | (CC-7951) |
| 114.494 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.30 | r | (P-8779) | 431.32 | am | (CC-7951) |
| 114.495 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.31 | r | (P-8779) | 431.33 | am | (CC-7951) |
| 114.496 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.32 | r | (P-8779) | 431.34 | am | (CC-7951) |
| 114.497 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.33 | r | (P-8779) | 431.35 | am | (CC-7951) |
| 114.498 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.34 | r | (P-8779) | 431.36 | am | (CC-7951) |
| 114.499 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.35 | r | (P-8779) | 431.37 | am | (CC-7951) |
| 114.500 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.36 | r | (P-8779) | 431.38 | am | (CC-7951) |
| 114.501 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.37 | r | (P-8779) | 431.39 | am | (CC-7951) |
| 114.502 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.38 | r | (P-8779) | 431.40 | am | (CC-7951) |
| 114.503 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.39 | r | (P-8779) | 431.41 | am | (CC-7951) |
| 114.504 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.40 | r | (P-8779) | 431.42 | am | (CC-7951) |
| 114.505 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.41 | r | (P-8779) | 431.43 | am | (CC-7951) |
| 114.506 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.42 | r | (P-8779) | 431.44 | am | (CC-7951) |
| 114.507 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.43 | r | (P-8779) | 431.45 | am | (CC-7951) |
| 114.508 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.44 | r | (P-8779) | 431.46 | am | (CC-7951) |
| 114.509 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.45 | r | (P-8779) | 431.47 | am | (CC-7951) |
| 114.510 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.46 | r | (P-8779) | 431.48 | am | (CC-7951) |
| 114.511 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.47 | r | (P-8779) | 431.49 | am | (CC-7951) |
| 114.512 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.48 | r | (P-8779) | 431.50 | am | (CC-7951) |
| 114.513 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.49 | r | (P-8779) | 431.51 | am | (CC-7951) |
| 114.514 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.50 | r | (P-8779) | 431.52 | am | (CC-7951) |
| 114.515 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.51 | r | (P-8779) | 431.53 | am | (CC-7951) |
| 114.516 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.52 | r | (P-8779) | 431.54 | am | (CC-7951) |
| 114.517 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.53 | r | (P-8779) | 431.55 | am | (CC-7951) |
| 114.518 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.54 | r | (P-8779) | 431.56 | am | (CC-7951) |
| 114.519 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.55 | r | (P-8779) | 431.57 | am | (CC-7951) |
| 114.520 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.56 | r | (P-8779) | 431.58 | am | (CC-7951) |
| 114.521 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.57 | r | (P-8779) | 431.59 | am | (CC-7951) |
| 114.522 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.58 | r | (P-8779) | 431.60 | am | (CC-7951) |
| 114.523 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.59 | r | (P-8779) | 431.61 | am | (CC-7951) |
| 114.524 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.60 | r | (P-8779) | 431.62 | am | (CC-7951) |
| 114.525 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.61 | r | (P-8779) | 431.63 | am | (CC-7951) |
| 114.526 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.62 | r | (P-8779) | 431.64 | am | (CC-7951) |
| 114.527 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.63 | r | (P-8779) | 431.65 | am | (CC-7951) |
| 114.528 | am | (P-13946) | 140.440 | am | (P-4597) | 148.62 | am | (P-15291.93.A.3450) | 240.910 | am | (P-14225.93.A.609) | 380.64 | r | (P-8779) | 431.66 | am | (CC-7951) |
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